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NOTE: This online manuscript is a greatly condensed version of the new edition of my book *Hasty Judgment*. The book contains about 100 pages of added material, including the text of my interview with photographic lab technician Brian Mee regarding the backyard rifle photos. The book also contains additional information on such issues as Oswald's links to intelligence elements, the alleged shooting feat, Oswald's marksmanship ability, the medical evidence, the Jim Garrison investigation, and several other topics.

## **HASTY JUDGMENT: A REPLY TO GERALD POSNER--WHY THE JFK CASE IS NOT CLOSED**

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In a Special Report in its August 30-September 6, 1993 issue, *U.S. News & World Report* formally endorsed, and printed two extracts from, Gerald Posner's new book, *Case Closed: Lee Harvey Oswald and the Assassination Of JFK* (New York: Random House, 1993). On the magazine's cover appeared the words "Case Closed" set against the background of a picture of the President and his wife, Jacqueline Kennedy. The cover described *Case Closed* as "a brilliant new book" that "proves who killed Kennedy." Turning to the book itself, we find strong endorsements of it by William Styron, Stephen Ambrose, Tom Wicker, and David Wise. With all the hoopla, the reader might get the impression that Posner has not only achieved some major breakthroughs in the case, but that he's actually solved it. Unfortunately, nothing could be further from the truth.

The most that can be said in Posner's defense is that he seems to discredit some peripheral conspiracy arguments. But, when it comes to the central issues of the case--such as the direction and number of the shots, the magic bullet, the medical evidence, Oswald's role, etc.--Posner stumbles badly, at times offering theories and interpretations that are surprisingly strained. Also, Posner advances many claims that have already been refuted. *Case Closed* is essentially another untenable defense of the Warren Commission's dubious single-assassin theory.

### Smearing Oswald

Throughout his book Posner engages in an unfair attack on Lee Harvey Oswald. Posner's survey of Oswald's childhood and teen years is especially distasteful (6:5-19). Posner relies heavily on the negative statements that were made about Oswald to the Warren Commission (WC), but he says nothing about the emotion-charged, hate-filled atmosphere in which those comments were made. Nor does Posner present to his readers any of the positive statements that were made about Oswald. No, Oswald was no angel by any means, but he certainly wasn't the demented ogre Posner paints him to be either (5:90-99; 15:185-192).

Buell Wesley Frazier, who regularly drove Oswald to work at the Book Depository, had this to say about him

when interviewed for the A & E Network's *The Men Who Killed Kennedy*:

The individual that I know as Lee Harvey Oswald I don't think had it in him to be a person capable of committing such a crime as murdering the President of the United States. I'll always believe that. The side I saw of him was a very kind and loving man, and that's the way I like to remember him.

In her highly acclaimed book *Accessories After the Fact: The Warren Commission, the Authorities and the Report*, Sylvia Meagher made the following points about Oswald's character and reputation:

There is . . . no basis in any of the available medical or psychiatric histories for allegations that Oswald was psychotic, aberrant, or mentally unsound in any degree. His life history is consistent with the conclusion that he was a rational and stable personality (which is not to say that he was appealing, admirable, or untroubled). He was capable of marriage and fatherhood, with responsibility and devotion, particularly to his two children. He was conscientious in his punctuality and work, completed military service satisfactorily, paid his bills and repaid his debts promptly, and managed his practical affairs capably.

Since there has been unrestrained "psychoanalysis of Oswald by amateurs who never heard of Oswald before November 22, it is apropos to examine the judgments of those who knew him, on the two key questions of (1) motivation and (b) capacity for violence.

His wife, star witness for the prosecution, considered Oswald "mentally sound, smart and capable, not deprived of reason." (1 H 123)

Most members of the Russian-speaking community in Dallas, including those who were not fond of Oswald, were astounded by the news of his arrest.

Sam Ballen, for example, was unable to conceive of Oswald harboring any hostility toward the President; it was his impression that, on the contrary, Oswald had warm feelings for him. Oswald was dogmatic but not mentally ill. Ballen, like George De Mohrenschildt, considered Oswald a man "with no hatred in him." When he heard of Oswald's arrest, Ballen felt there must have been a mistake. He did not believe Oswald capable of such a crime, in spite of the force of the circumstantial evidence. (9 H 48-54)

George Bouhe was not an admirer of Oswald's. He regarded Oswald as "crazy," a mental case. But it had never entered Bouhe's mind, he testified, that Oswald was capable of such an act. (8 H 370) Everett Glover said that he had never questioned Oswald's mental stability and did not consider him capable of violence. (10 H 20)

Anna Meller was "completely shocked" at the news of Oswald's arrest and could not believe that he had done such a thing. (8 H 386-390) Elena Hall had never regarded Oswald as dangerous or mentally unstable; she was incredulous when he was arrested. (8 H 405) Michael Paine (2 H 399), Paul Gregory (9 H 148) and George De Mohrenschildt (9 H 255) testified that Oswald was an admirer of President Kennedy and had praised him. Lillian Murret, Oswald's aunt, said that he had liked the President and admired his wife. (8 H 153) Marilyn Murret, her daughter, confirmed that Oswald had spoken favorably of the President. She felt strongly that Oswald was not capable of having committed the assassination and that he had no motive for such an act; and she disagreed completely with theories that Oswald resented authority or craved a place in history. (8 H 176-177)

None of Oswald's fellow Marines suggested that he was psychotic, violent, or homicidal. Lt. Donovan saw no signs of any mental instability (although he found it unusual for anyone to be so interested in foreign affairs). (8 H 299). . . .

Adrian Alba, who knew Oswald in New Orleans in 1963, said that he "certainly didn't impress me as anyone capable or anyone burdened with a charge of assassinating the President . . . let alone any individual, for that matter." (10 H 227) Tommy Bargas, Oswald's former employer at the Leslie Welding Company, said that he had been a good employee, with potential, and had shown no sign of temper or violence. (10 H 165) Helen P. Cunningham, an employment counselor, had found no indication of emotional problems in her contacts with Oswald. (10 H 128)

FBI Agent Quigley, who had interviewed Oswald after his arrest in New Orleans for disturbing the peace [many have argued that he was unjustly arrested on this charge], found absolutely no indication that he was dangerous or potentially violent. (4 H 438)

And the comments of Lt. Francis Martello, intelligence division (anti-subversion) of the New Orleans Police Department, are especially memorable. He had interviewed Oswald at length in August 1963 and had formed the impression that he liked President Kennedy. He considered Oswald not to be potentially violent.

". . . not at all. Not in any way, shape, or form violent . . . as far as ever dreaming or thinking that Oswald would do what it is alleged that he has done, I would bet my head on a chopping block that he wouldn't do it." (10 H 60-61) (17:245-246)

As part of his effort to portray Oswald as a glory-seeking, lackluster, Marxist Marine, Posner uses the unflattering testimony of Kerry Thornley, who says he was a friend of Oswald's in the Marine Corps (6:22, 30-31, 33). In fact, Posner derives the title for his second chapter, "The Best Religion Is Communism," from a statement that Thornley alleges Oswald made to him while they were in the Marines together (6:30). The reader might be interested to know this is the same Kerry Thornley who claims he was a Nazi breeding experiment and that a bugging device was planted on him at birth so that Nazi cultists could monitor him as he grew up (39:3-21). Thornley believes Oswald was a Nazi breeding experiment too (39:18-19).

Noticeably absent from Posner's book is any discussion of a plausible motive for Oswald. Posner frequently quotes Marina Oswald, yet he neglects to tell his readers that Marina has always said her husband thought very highly of President Kennedy. In addition, although Posner relies heavily on Marina's clearly coerced and contradictory WC testimony, he waits until page 345 to inform his audience, in a footnote, that Marina now believes her husband was "completely innocent."

Posner tries hard to prove that Oswald had no U.S. intelligence connections (6:20-196). By ignoring a good deal of evidence, and by failing to adequately address the implications of certain unusual incidents in Oswald's life, Posner almost seems to prove his point. However, those familiar with the subject will find Posner's arguments unconvincing and incomplete. Former Senator Richard Schweiker has declared, "I personally believe that he [Oswald] had a special relationship with one of the intelligence agencies, which one I'm not certain. But all the fingerprints I found during my eighteen months on the Senate Select Committee on Intelligence point to Oswald as being a product of, and interacting with, the intelligence community" (14:266). In addition, three former U.S. intelligence agents maintain that Oswald was working

for at least one U.S. intelligence agency.

After he was arrested on the day of the assassination, Oswald tried to call a man named "Hurt" in Raleigh, North Carolina, at two different numbers listed for that name. Oswald had no known contacts or friends in North Carolina. Former CIA officer Victor Marchetti points out that Oswald's call was made to a number in the same general area as a base where, according to Marchetti, Naval Intelligence once planned infiltration missions into the Soviet Union (14:146). One of the two Hurts in Raleigh at that time was a John D. Hurt, who had worked in military intelligence during World War II. Oswald was reportedly unable to contact Mr. Hurt because two Secret Service agents instructed the switchboard operator at the Dallas police station to unplug the connection before the call could go through (14:146). Marchetti believes Oswald worked for the Office of Naval Intelligence (ONI) and that it was the ONI which sent him to Russia as a phony defector. (For further information on the Hurt phone call, see 71:244-245.)

Former HSCA investigator Gaeton Fonzi reports that he found strong evidence of an Oswald-CIA connection. Says Fonzi,

There is . . . a preponderance of evidence that indicates Lee Harvey Oswald had an association with a U.S. Government agency, perhaps more than one, but undoubtedly with the Central Intelligence Agency. (61:408)

Fonzi discusses a great deal of this evidence in his book *The Last Investigation* (New York: Thunder's Mouth Press, 1993). In his recent book *Oswald and the CIA* (New York: Carroll and Graf Publishers, 1995), Professor John Newman, a former Major in Army Intelligence, citing information gleaned from newly released assassination documents, discusses evidence of an Oswald-CIA link.

### Oswald's Whereabouts at the Time of the Shooting

Posner follows the WC in placing Oswald on the sixth floor of the Texas School Book Depository Building from 11:55 A.M. until he supposedly fired the shots at 12:30 P.M. Therefore, according to Posner, Oswald had thirty-five minutes to build the sniper's nest. However, Posner's only in-building witness to put Oswald alone on the sixth floor before the shooting is Charles Givens, who said he saw Oswald there, at 11:55, after everyone else had left (6:226-228).

Yet, it is common knowledge among assassination researchers that when Givens was initially questioned, he mentioned nothing about seeing Oswald on the sixth floor after everyone else had left. In fact, Givens, who had a police record involving narcotics, originally told the authorities he saw Oswald reading a newspaper on the *first floor* at 11:50 (14:75). Two other TSBD workers likewise put Oswald on the first floor from 11:50 to 12:00 (17:68). And, Book Depository employee Bonnie Ray Williams told the WC that he ate lunch on the sixth floor from around noon until 12:15, perhaps even until 12:20, *and that he saw no one else on the floor*. This was, at the most, just fifteen minutes before the President's motorcade passed in front of the Depository. Even if Williams left the sixth floor at 12:15, Oswald still would not have had enough time to construct the sniper's nest, reassemble the Carcano rifle, and arrange the supposed gun-rest boxes before the motorcade arrived (and, keep in mind, too, that the motorcade was scheduled to pass the TSBD at 12:25, and Oswald would have had no way of knowing that it was going to be five minutes late). Furthermore, Depository employee Carolyn Arnold told a journalist in 1978 that she saw Oswald eating lunch in the second-floor lunchroom at around 12:15 or later (14:77).

In response to this evidence, Posner observes that Williams "told the FBI he left [the sixth floor] by 12:05

and went to the fifth floor" (6:228)--end of discussion. As for Mrs. Arnold's testimony, Posner dismisses it because in her first of two 1963 FBI depositions she was quoted as saying she thought she might have caught a glimpse of Oswald in a hallway on the first floor, and in the second statement, according to Posner, she said she had not seen him at all (6:227)--again, end of discussion. Or is it?

This brings us to a crucial flaw in Posner's arguments. Posner attempts to discredit several witnesses whose testimony contradicts the lone-gunman scenario by citing differences between their FBI or Dallas police depositions and their statements to the WC, or between accounts they provided in later years and their earlier testimony. Yet, as Posner must know, numerous witnesses subsequently insisted that federal agents or the Dallas police, or both, altered or even fabricated their statements. Assassination-related documents disclosed by Freedom of Information Act suits have revealed undeniable instances of evidence tampering by the FBI. Several witnesses complained that they were pressured to change their testimony by federal agents or the Dallas police. Posner quotes from books that thoroughly document these facts, but he does not bring this information to the attention of his readers.

For the most part, Posner summarily dismisses the recollections of witnesses with evidence of conspiracy if they did not speak up immediately or shortly after the shooting. But nearly all researchers would agree that this is not a sound criterion for rejecting testimony relating to the assassination. Many witnesses who had information favoring Oswald or contradicting the single-assassin story were afraid to go public with what they knew because of the charged anti-Oswald atmosphere at the time. Some conspiracy witnesses weren't aware of the significance of what they had seen until after the WC published its report, and, faced with the nearly universal acceptance the report initially enjoyed, they chose to remain silent for fear of being ridiculed. In addition, several witnesses later said they were hesitant to come forward because they knew that other witnesses had died under strange circumstances or had been murdered.

Now, let us revisit the statements made by Bonnie Ray Williams and Carolyn Arnold. First of all, when the WC asked Williams about his FBI statement, he denied telling the FBI that he left the sixth floor at 12:05 (4:103). And, when the Commission asked Williams to give an approximate time for his departure from the sixth floor, he said he left at around 12:20 (4:103). Former WC member Gerald Ford said Williams left the sixth floor "just minutes before the Presidential motorcade reached the corner of Houston and Elm" (73:330).

As for Carolyn Arnold's testimony, for starters, Mrs. Arnold, as Posner should know, *never* told the FBI that she didn't see Oswald at all that day. What she said was that she did not see him *at the time of the assassination*. British journalist and author Anthony Summers provides the following summary of his 1978 interview with Mrs. Arnold:

When I found Mrs. Arnold in 1978 to get a firsthand account, she was surprised to hear how she had been reported by the FBI. Her spontaneous reaction, that she had been misquoted, came *before* I explained to her the importance of Oswald's whereabouts at given moments. Mrs. Arnold's recollection of what she really observed was clear--spotting Oswald was after all her one personal contribution to the record of that memorable day. As secretary to the company vice-president she knew Oswald; he had been in the habit of coming to her for change. What Mrs. Arnold says she actually told the FBI is very different from the report of her comments and not vague at all. She said: "About a quarter of an hour before the assassination [12:15], I went into the lunchroom on the second floor for a moment. . . . Oswald was sitting in one of the booth seats on the right-hand side of the room as you go in. He was alone as usual and appeared to be having lunch. I did not speak to him but I recognized him clearly." Mrs. Arnold has reason to remember going into the lunchroom. She was

pregnant at the time and had a craving for a glass of water. (14:77)

Four other women worked with Mrs. Arnold and watched the motorcade with her that day. "They," claims Posner, "support her original statements and not the story she told fifteen years later" (6:227). Yet Posner only provides testimony from two of the four women, continuing, "Virgie Rachley and Betty Dragoo accompanied her when she left the second floor" and they "did not see Oswald" (6:227). But they did not go into the lunchroom with Mrs. Arnold when she stopped off to get a glass of water.

"Joe Molina and Mrs. Robert Reid," says Posner, "both ate in the second-floor lunchroom and were there at 12:15, when Carolyn Arnold claimed Oswald was there, but neither saw him" (6:227- 228). But Mrs. Arnold, as will be discussed shortly, might have seen Oswald in the lunchroom a little later than she thought she did, or, she might have even erred about the floor on which her sighting occurred. Also, it should be kept in mind that some witnesses clearly seemed to later change their stories in ways that tended to incriminate Oswald, and, as mentioned, statements taken from witnesses by FBI agents were not always recorded accurately. In addition, several witnesses who gave testimony to the WC complained that the transcript of their testimony was inaccurate.

Oswald's reported interrogation replies to the police suggest that Mrs. Arnold might have seen him in the second-floor lunchroom a little later than 12:15. Mrs. Arnold, who left her office at right around 12:15, allowed that it might have been after 12:15 when she stopped in the lunchroom. Or, was Mrs. Arnold right about the time but wrong about the floor on which she saw Oswald? Remember that in her first FBI deposition she was quoted as saying she had seen Oswald on the first floor. Also, in her first deposition Mrs. Arnold said she saw Oswald *at* 12:25. It's possible that Mrs. Arnold originally told the FBI that she saw Oswald in the domino room on the first floor, but that the deposition was worded so as to suppress this fact. If so, this would suggest that Mrs. Arnold might have confused her floors when she spoke with Summers in 1978. Again, in her first deposition, she said she saw Oswald on the first floor at 12:25.

Oswald reportedly told the police that he ate lunch in the domino room on the first floor (which was often used as a lunchroom by employees), and that he went upstairs to the second-floor lunchroom to buy a Coke and had just finished getting the Coke from the soda machine when Officer Marrion Baker approached him and asked him to identify himself. Three witnesses, Eddie Piper, Bill Shelley, and Charles Givens, reported seeing Oswald on the first floor between 11:50 and 12:00 (19 H 499; 6 H 383; 7 H 390; CD 5; 14:76-77). There is other evidence that supports Oswald's story, as Summers explains:

Under interrogation, Oswald insisted he had followed his workmates down to eat [from the fifth floor, where he and others had been working that morning]. He said he ate a snack in the first-floor lunchroom [the domino room] alone but that he remembered two black employees walking through the room while he was there. Oswald believed one of them was a colleague known as "Junior" and said he would recognize the other man although he could not recall his name. He did say the second man was "short." There were two rooms in the Book Depository where workers had lunch, the "domino room" on the first floor and the lunchroom proper on the second floor. There was indeed a worker named "Junior" Jarman, and he spent his lunch break largely in the company of another black man called Harold Norman. Norman, who was indeed "short," said later he ate in the domino room between 12:00 and 12:15 p.m., and indeed he thought "there was someone else in there," though he couldn't remember who. At about 12:15, Jarman walked over to the domino room, and together the two black men left the building for a few minutes. Between 12:20 and 12:25--just before the assassination--they strolled through the first floor once more, on the way upstairs to watch the motorcade from a window. If Oswald was not indeed on the first floor at some stage, he

demonstrated almost psychic powers by describing two men--out of a staff of seventy-five--who were actually there. (14:76)

Bill Lovelady, Danny Arce, and Bonnie Ray Williams, like Oswald, had been working upstairs that morning. All three told the Commission that Oswald was anxious for them to send the elevator back up to him when it was time for lunch, and one of them specified that Oswald said he would be coming downstairs. A few minutes later, Bill Shelley and Charles Givens saw Oswald on the first floor, at around 11:50. Then, ten minutes later, Eddie Piper also saw Oswald on the first floor. Moreover, as mentioned, Williams began eating his lunch on the sixth floor at right around noon and didn't leave the floor until around 12:15 or 12:20. Since Oswald was seen by Piper on the first floor at noon, and since Williams was on the sixth floor at noon to eat his lunch, the only time Oswald could have gone up to the sniper's nest was *after* Williams came back downstairs at 12:15 or 12:20. The motorcade was scheduled to pass in front of the TSBD at 12:25. As it turned out, the motorcade was running five minutes late, but Oswald could not have known that. Arriving at the sniper's window at 12:16 at the earliest, Oswald would have been hard-pressed to build (or finish building) the sniper's nest, arrange the boxes next to the window as a gun rest, and then reassemble the rifle. One witness, Arnold Rowland, insisted he saw a man with a rifle--an *assembled* rifle--on the sixth floor at 12:15 or 12:16, and Rowland said nothing about seeing any boxes being moved in the sniper's nest.

If Oswald was at the sniper's nest on the sixth floor at the time of the shooting, then how is it he was seen by the building manager and a pistol-waving Officer Baker less than ninety seconds afterwards on the *second* floor, standing in the lunchroom with a Coke in his hand, giving every appearance of being perfectly calm and relaxed?

Jim Moore and other lone-gunman theorists assume that Oswald bought the Coke after the encounter with the manager and the policeman (3:53). However, the available evidence indicates Oswald purchased the Coke before the second-floor encounter (5: 50-52). Oswald had no reason to lie about when he bought the Coke. When he mentioned the Coke-buying during his questioning, he did so in passing, and he could not have known the important role the timing of this detail would subsequently play in the investigation. I agree with what David Lifton has said on this subject:

The original news accounts said that when Baker first saw Oswald, the latter was drinking a Coke. This seemingly minor fact was crucial, because if Oswald had time to operate the machine, open the bottle, and drink some soda, that would mean he was on the second floor even earlier than the Commission's reconstructions allowed. In a signed statement Officer Baker was asked to make in September 1964, at the tail-end of the investigation, he wrote: "I saw a man standing in the lunchroom drinking a coke." A line was drawn through "drinking a coke," and Baker initialed the corrected version. [Dallas] Police Captain Will Fritz, in his report on his interrogation of Oswald, wrote: "I asked Oswald where he was when the police officer stopped him. He said he was on the second floor drinking a Coca Cola when the officer came in."

If I were a juror, I would have believed Oswald already had the Coke in hand, and indeed, had drunk some of it, by the time the officer entered the lunchroom. (18:351)

During a radio program on December 23, 1966, Albert Jenner, a former senior WC counsel, said that when Baker saw Oswald in the lunchroom, Oswald was holding a Coke in his hand. Said Jenner, "the first man this policeman saw, was Oswald with a bottle of Coke" (17:226). The fact that Oswald was holding a Coke when Baker confronted him in the lunchroom was one of the details that Chief Jesse Curry of the Dallas police mentioned to reporters the day after the shooting. As late as ten days later this detail was still being

reported in major newspapers, such as *The Washington Post*.

Oswald simply could not have made it to the second floor without first being seen by Roy Truly, who was running ahead of Patrolman Baker. The Dallas police descriptions of the rifle in its hiding place indicate that the alleged murder weapon was very carefully stashed under and between a stack of book boxes at the *opposite* end of the sixth floor from where the shots were supposedly fired. It is reasonable to assume Oswald would have attempted to wipe his fingerprints off the rifle (at least those parts of the rifle he had just handled while firing it). It appears someone wiped off the Carcano before it was "discovered" because the FBI found no identifiable prints on it when it examined the weapon on November 23. This would mean that in well under ninety seconds Oswald squeezed out of the sniper's nest, ran all the way to the opposite end of the sixth floor, wiped off the rifle (at least those parts that he would have just handled while firing it), carefully hid it under and between some boxes, ran down four flights of stairs to the second floor (actually eight small flights), went through the foyer door, and then made his way to the lunchroom, yet did not appear the least bit winded or nervous when seen by the manager and the policeman. And, if we add the Coke-buying, Oswald's alleged journey becomes even more implausible.

The WC's own reenactments of Officer Baker's encounter with Oswald indicate the encounter occurred no more than seventy-five seconds after the shots were fired. There is no way Oswald could have done everything the Commission said he did and still have made it to the lunchroom in time to be seen by Baker and without being seen by Truly.

Photographic experts retained by the House Select Committee on Assassinations (HSCA) discovered that photos taken of the sixth-floor window less than two minutes after the shooting show the boxes being *rearranged* (5:53). I quote from the HSCA testimony of photographic expert Dr. Robert R. Hunt:

Mr. FITHIAN. I would like to ask the staff to put up JFK F-153. As I understand it, Doctor, this is a picture that was taken a few seconds after the shot; is that correct?

Dr. HUNT. I am not sure until I see the picture. Which one are you referring to?

Mr. FITHIAN. I believe that is the one of the---TSBD?

Dr. HUNT. Oh, yes, right. Yes; in answer to your question, *that was taken a few seconds after the last shot was fired. at least that is Dillard's testimony to the Warren Commission, I believe.*

Mr. FITHIAN. Now, directing your attention to that particular exhibit, the photograph in the area of the sixth floor window, the open window, there seems to be a change in the configuration of the boxes. How did the photo panel account for this?

Dr. HUNT. The change in configuration of the boxes with respect to what, with respect to another window view?

Mr. FITHIAN. No, with respect to other photos that you analyzed.

Dr. HUNT. OK. Probably the one most pertinent to that would be exhibit which is showing next to it at the moment--I am not aware of the exhibit number for it--but that shows the same window, *taken approximately one to two minutes after the first picture which we talked about*, the one taken by



Dillard on the right, the one by Powell on the left.

You are correct in perceiving that there is something which we could ascribe to a change in the configuration of the boxes.

For example, the picture on the right, we see only two boxes, one at the left of the window sill and just a corner of the one peeping up at the right of the window sill. Whereas, in the picture, the enlarged picture, for example, on the left, we see not just the two boxes; you can still see, for example, on the left there is the same small box at the left, there is the same corner peeping up at the right. But now we have two or three other boxes, apparently rising up in between them.

There are two possible explanations, I guess, for that, that the panel considered. One is that we are seeing boxes which are in the room, but because of our perspective, our line of sight, is different, we are seeing different boxes than were visible in the other picture.

The second explanation is that there has been physically a movement of the boxes in the room during the time which elapsed between the taking of those pictures.

Mr. FITHIAN. All right. Now there is no way that we can know which it is?

Dr. HUNT. There are ways of eliminating or narrowing down the possibilities between those two choices. For example, given the geometry at which you are viewing, and given the apparent sunlight on the boxes, you could probably guess how far into the room those boxes do lie.

For example, if you look at the two boxes which appear to have been introduced in the picture on the left, they appear to be in full sunlight, which means they must not lie too far inside the room because this was high noon, in November; the sun angle is simply not that low in Dallas at high noon in November to shine sunlight very deep into the room. So they can certainly not be too far behind the plane of the window; and *that would therefore tend to rule out the possibility that we are looking at the box which lies in one position in the room and is simply tended to be viewed in different perspective from two different viewing points.*

Mr. FITHIAN. You say it rules that out?

Dr. HUNT. It tends to rule it out, yes. It does not rule it out completely, because we lack what is usually referred to as the analytical information, from the position of the two photographers to precisely plot the positions of those boxes by stereoanalysis techniques.

Mr. FITHIAN. *Well, if it generally tends to rule that out, then it seems this committee would be left with only one conclusion, and that is, that a box was actually moved.*

Dr. HUNT. *That would be my only personal conclusion, that somebody or something moved boxes around in that room during the time of taking of those two pictures.* (4 HSCA 422-423, emphasis added)

Indeed, the Committee's photographic panel concluded, "There is an apparent rearranging of boxes within 2 minutes after the last shot was fired at President Kennedy" (6 HSCA 109). The photographic panel went into

more detail in its report:

Examination of both the Dillard and Powell photographs of the sixth floor windows shows an open window with deep shadows in the region behind it. The deep shadows indicate the film was underexposed in these regions; that is, too little light reached the film or a clear recording of any details in the room behind the window.

A number of enhancement processes were applied to the photographs in order to bring out any details obscured within the underexposed regions. They were as follows:

- (1) Photographic enhancement (using photo-optical and photochemical techniques) of the underexposed regions of the Dillard photograph undertaken at the Rochester Institute of Technology (RIT).
- (2) Autoradiographic enhancement of the underexposed regions of the Dillard photograph at Stanford Research Institute, Inc. (SRI).
- (3) Computer enhancement of the underexposed regions of the Powell photograph at the University of Southern California and the Aerospace Corp.

In addition, the Dillard photographs were scanned and digitized for possible computer enhancement. Nevertheless, no such enhancement was performed because the Panel decided that the autoradiographic technique had more potential for success.

The photographic and computer processes made visible details that had been obscured in the underexposed regions of the photographs. Both the photographic enhancement by RIT and the autoradiographic enhancement by SRI revealed a feature in the fifth floor window immediately beneath the sixth floor window. Figure IV-1 (JFK exhibit F-153) shows one of the original Dillard photographs, and figure IV-2 is an autoradiographic enhancement. The detail revealed by the processing appears to be a circular light fixture hanging from the ceiling of the fifth floor room, with a light bulb in the center of the fixture.

In the enhanced Powell photograph additional details became visible on the boxes in the windows. (See figure IV-3, JFK exhibit F157.) Nevertheless in neither photograph did the processing operations reveal any sign of a human face or form in the open sixth floor or adjoining windows.

The Panel concluded that the light fixture revealed in the fifth window served as a "benchmark" against which the sixth floor enhancement could be judged. . . .

Although human faces or forms were not visible in the enhanced photographs, inspection of figures IV-2 and IV-3 reveals a difference in the boxes visible through the sixth floor window. In the Dillard photograph, only two boxes are immediately visible, one each to the left and right of the window frame.

Nevertheless, the Powell photograph shows several additional boxes. There are two possible explanations for this difference:

- (1) The Powell photograph may reflect only an apparent change in the boxes; the different angle

from which Powell viewed the depository may have caused a different set of boxes within the room to be framed within the window;

(2) The boxes were moved during the time that elapsed between the Dillard and Powell photographs.

Since the precise positions of Dillard and Powell at the time of the photographs were unknown, it was not possible to calculate precisely the region within the sixth floor room that would have been visible to each photographer. In the Dillard photograph, the two to the left and right of the window frame appear to be in the full light of the Sun, with no shadows cast on them by the frame of the partially opened window. In the Powell photograph, it also appears that the boxes are in full sunlight, with no shadow cast on them by the window frame.

A simple trigonometric calculation shows that the two boxes at the left and right lie approximately 6 inches from the plane of the window (see appendix A). If full sunlight is falling on the additional boxes in question in the Powell photograph, they must also lie close to the plane of the window. For this reason, *the panel concluded that the additional boxes visible in the Powell photograph were moved during the interval between the Dillard and Powell photographs.* (6 HSCA 110-115, emphasis added)

An interesting and important footnote to the panel's finding of box movement in the window is the reported discovery of a suppressed FBI report about a witness who saw boxes being moved in the sixth-floor window after the shooting. Author and researcher David Lifton explains:

In documents I obtained from the Archives in 1968 was an FBI report which said that a witness at a window on an upper floor of a nearby building had told a Dallas lawyer she saw "some boxes moving" in the window from which the shots allegedly came. (18:367)

Oswald could not have been the one moving the boxes because he was seen on the second floor by Baker and Truly less than ninety seconds after the shots were fired (5:53). So, who was moving the boxes around less than two minutes after the shooting? Whoever it was, it wasn't Oswald.

Not only were boxes apparently being rearranged within minutes of the shooting, but law clerk Lillian Mooneyham, looking at the sixth-floor window from a nearby building, saw a man in that window three to five minutes after the assassination. Although Mrs. Mooneyham reported this to the FBI, she was not called as a witness by the WC.

When Oswald was being held at the Dallas police station, he told reporters, "I didn't shoot anybody." The news tapes of Oswald's denial were examined by a researcher using the Psychological Stress Evaluator (PSE), which is a lie-detecting device that measures stress by voice stress analysis. The PSE has been shown to be reliable in several tests. It is used by hundreds of U.S. law enforcement agencies, and it is accepted as evidence in more than a dozen states. The PSE tests done on Oswald's denial indicate he was telling the truth (2:349; on the PSE test itself, see 25:206 n).

### Oswald and the Brown Paper Bag

According to the WC, Oswald was seen carrying a "long and bulky package" into the TSBD on the morning of the assassination. The Commission said this package contained the disassembled Mannlicher-Carcano rifle.

The WC claimed this bag was the same one that was reportedly found in the sniper's nest. The Commission further asserted that federal authorities found cloth fibers on the bag which matched those of a blanket said to have been used to wrap the Mannlicher- Carcano. Posner repeats these claims (6:224 n).

Two people saw Oswald enter the TSBD that morning, Jack Dougherty and Buell Wesley Frazier. Dougherty said Oswald's hands were empty when he saw Oswald enter the building. Frazier, who gave Oswald a ride to work that morning, said Oswald came into the TSBD carrying a brown paper bag under his arm. The apparent conflict is most likely explained by the fact that Frazier said Oswald was carrying the package with one cupped in his palm and the other end tucked into his armpit. Thus, when Dougherty saw Oswald enter the building, he simply couldn't see the package because it was not visible to him.

The WC, of course, accepted Frazier's story--more or less. The Commission had some problems with Frazier's account, problems which still present themselves to lone-gunman theorists. The thorniest of these problems is that Frazier's description of how Oswald carried the bag refutes the idea that it contained a disassembled Mannlicher-Carcano. As mentioned, Frazier said Oswald held the bottom of the bag cupped in his hand with the upper end tucked into his armpit. However, from the cup of Oswald's hand, a disassembled Carcano would have extended well past his shoulders, and probably close to his ear (4:144-145). Frazier insisted he recalled quite specifically how Oswald carried the bag.

Frazier added that Oswald was carrying the bag in such a way that it would have been difficult to see it from the front. This, as mentioned, could explain why Jack Dougherty did not see anything in Oswald's hands. Nevertheless, the WC said Frazier was mistaken about the way Oswald carried the paper bag. Why? Because Oswald could not have held a disassembled Mannlicher-Carcano in the manner Frazier described.

Another problem the WC had with Frazier's testimony was that he said the paper bag was at least eight inches shorter than a disassembled Mannlicher-Carcano. Frazier told the WC that the bag he saw Oswald carrying was about two feet long, and that it was the kind "you get out of the grocery store" (4:144). Posner says the bag was 38 inches long (6:225 n). On December 1, 1963, FBI agents asked Frazier to mark the spot on the back seat of his car where the bag reached when it was placed there with one end up against the door. The agents maintained that the distance between that spot and the door was 27 inches. Frazier's sister, Linnie Randle, who saw the bag, also said it was 27 inches long. But Oswald's measurements indicate the bag would have needed to be *less than* 24 inches long in order for him to have carried it in the manner described by Frazier (4:144).

Furthermore, when disassembled the Mannlicher-Carcano allegedly owned by Oswald is 35 inches long. Thus, according to both Frazier and his sister, not only was the bag too long for Oswald to have carried it in the manner Frazier himself described, but the bag was *at least* eight inches *shorter* than a disassembled Carcano rifle. In response to this dilemma, the Commission said that both Frazier and his sister were mistaken about the length of the bag. Posner pounces on Frazier's admission that he wasn't absolutely certain about the length of the bag, but he ignores the fact that Frazier had no doubt about how Oswald carried it, while dismissing the fact that both Frazier and his sister said the bag was right around 27 inches long.

Posner would have us believe that Frazier and his sister were off by at least eight inches in their descriptions of the bag's length. In fact, according to Posner, Frazier might have erred by a whopping 14 inches when he estimated the bag's length at one point during the Commission's hearings, an extremely doubtful proposition.

Federal authorities said they found cloth fibers on the bag that matched those of a blanket which was allegedly used to wrap the Mannlicher-Carcano. But a Dallas police photograph of assassination evidence

"shows the bag touching the blanket, thus producing the incriminating fiber evidence" (5:448). Also, the FBI found no traces of paper bag particles on the alleged murder weapon (5:448).

The WC claimed that Oswald made the brown paper bag from wrapping paper available to him at the Book Depository. However, an FBI report written shortly after the assassination said that the paper from the Depository "was examined by the FBI laboratory and found *not* to be identical with the paper gun case. . . ." (5:449, emphasis added).

But the "corrected version" of this FBI report said, "This paper was examined and found to have the same observable characteristics" as Oswald's paper bag. When asked to explain the contradiction, the FBI said the initial report was "inaccurate" and was "mistakenly passed along to the Warren Commission." As Marrs observes, "this incident raises the question of how many other assassination documents stated one thing and were subsequently 'revised.' And if there do exist 'revised' documents in federal files, how would anyone know unless the originals accidentally slip out, as in this case?" (5:449).

If the brown paper bag was used to carry the Carcano, it is odd that no traces of oil were found on it, since the rifle was well oiled when it was discovered. In fact, when the Carcano was examined by the FBI the day after the shooting, oil was found on surface of the rifle. Yet, not only did the bag contain no oil traces, but it showed no creases that matched the outline of the alleged murder weapon (68:66).

But wasn't the paper bag found in the sniper's nest? If it was, then it is astonishing that it wasn't photographed there along with the three shells and the boxes that were allegedly used as a gun rest. Not only did Lt. Day and Detective Studebaker, the two policemen who were supposed to take crime-scene pictures, inexplicably "fail" to photograph the bag in the sniper's nest, but the bag does not appear in *any* of the photos that were taken of the nest on the afternoon of the shooting. There are photos of the shells in the nest, and photos of the gun-rest boxes, but not one of these pictures shows the bag, even though most of them show the area where the bag was allegedly lying.

Some WC apologists have offered the admittedly weak suggestion that Day and Studebaker didn't photograph the bag in the nest because no one "pointed it out to them." This is surely an unbelievable theory. The bag would have been in plain view; the policemen would have hardly needed anyone to "point it out" to them. The other explanation is that the bag was removed before photos could be taken of it. Aside from being suspiciously convenient, this explanation immediately raises the question of why anyone would have moved the bag before it could be photographed. Furthermore, the testimony of the police officers at the scene is highly contradictory on the issue of when the bag was moved (as well as on such matters as where the bag was located, what it looked like, what else was lying beside it, and whether it was a "bag" at all). In addition, these policemen surely knew better than to move a piece of evidence before it had been photographed in the crime scene.

### Arnold Rowland

As mentioned, Arnold Rowland insisted he saw a man with a rifle--an *assembled* rifle--on the sixth floor at 12:15 or 12:16. To further complicate matters for the WC's story, Rowland said he was certain that the gunman he saw was located at the *southwest* corner window, not the southeast corner window, i.e., at the opposite end of the building from the window from which Oswald allegedly fired. Rowland added that after he saw the man at around 12:15, he did not see him again. At the time Rowland, logically enough, assumed the man was a Secret Service agent. Rowland's wife was standing next to him, but she was looking elsewhere when her husband spotted the man with the rifle. Rowland immediately attempted to get his wife

to look at the man, but she was distracted and by the time she looked up the man was gone. Mrs. Rowland confirmed that her husband drew her attention to the man.

Posner strongly attacks Rowland's credibility (6:229-230), but time and time again Rowland proved himself to be a careful observer and a credible witness--not a perfect witness, but a credible one. According to Posner, Rowland said the crowds started to laugh after the first shot. "No one else," says Posner, "reported such a reaction" (6:230). But this is not really what Rowland reported, as Posner surely should have gathered from reading Rowland's testimony. What Rowland said was that many of the people around him started to laugh, or "chuckle," at the sound of the first shot because they mistook it for a firecracker or something (2 H 179). Rowland added that the only bystanders who did this were those who couldn't see the motorcade. It is a well-known fact that many witnesses did indeed mistake the first shot for a firecracker.

Posner complains that Rowland said the gunman was standing at "military parade rest with a high-powered rifle across his chest" (6:230). Actually, Rowland said the position was similar to the port arms position, not parade rest, meaning that the man was holding the rifle at a 45-degree angle across his chest (2 H 170). Rowland specified that at no time did the man assume the parade rest position.

Posner attacks Rowland because he said there were women and children on the triple underpass (6:230). Rowland explained that he was accustomed to using the term "triple underpass" to refer to Dealey Plaza, and that that was how he had always referred to the area, as "the triple underpass" (2 H 167). At one point, when Rowland was referring to the underpass itself, he used the term "viaduct" (2 H 174). There *were*, moreover, a few women and children on the knoll next to the underpass (northeast of it). Rowland might have been referring to them. When Rowland mentioned seeing policemen, three women, and two children on the underpass, he qualified his statement by noting that he was over 100 yards away and could not see them "with detailed distinction" (2 H 178). Rowland indicated that he only looked toward the underpass two or three times (2 H 179). There were between fourteen and eighteen people standing on the underpass prior to the shooting. Moments after the shots rang out, some men, women, and children ran to the triple underpass, and perhaps this sight led Rowland to later recall that he had seen a few women and children on the underpass before the shooting occurred.

Posner claims that in seven previous statements to the Dallas police and to the FBI Rowland failed to mention seeing a black man in the southeast corner window, i.e., in the sniper's nest (6:230). But Posner surely should know that Rowland insisted that he *had* mentioned seeing the black man in some of his previous interviews, but that the interviewing agents omitted this fact from the statements (2 H 184-185). Rowland also explained that he didn't think mentioning the black man was important, that he didn't give him much thought, and that he felt he should focus on discussing and describing the man he had seen with the rifle. Furthermore, Rowland said that on one occasion, two days after the assassination, when, as an afterthought, he told two FBI agents about the black man, they expressed no interest in hearing more about him (2 H 184-185).

According to Posner, Rowland reported seeing fifty policemen converge "instantly on the grassy knoll after the shots" (6:230). But any fair, reasonable reading of Rowland's testimony makes it clear that he merely described the same rush to the knoll that so many other witnesses saw and reported (e.g. 2 H 181). And at no point did Rowland say policemen ran toward the knoll "instantly" after the shots were fired. Films and photos show that dozens of bystanders and police officers rushed toward the knoll within one minute of the shooting, and this was undoubtedly what Rowland was describing.

Interestingly, Rowland didn't look back at the TSBD when the shots were fired because he was positive that

they came from in front of the limousine, from the direction of the railroad yard behind the grassy knoll (2 H 180, 181).

Rowland's testimony is important because it thoroughly undermines the WC's version of the shooting. This is why Posner and other WC supporters strenuously try to discredit him. There are, to be sure, some problems with Rowland's story, but all of them are relatively minor and explainable. On balance, Rowland's story is credible. On point after point his account checks out. I would invite the reader to compare Posner's treatment of Rowland with Harold Weisberg's (76:122-142; see also 14:77-78; 4:94-98). Henry Hurt, a former Rockefeller Foundation fellow, said the following about Rowland:

In the end, Rowland's testimony was not only disregarded by the commission, but a remarkable effort was made to discredit him as a witness. What happened provides an excellent example of the Warren Commission's manipulation of the credibility of a witness. While the commission struggled to accept--and finally embraced--Howard Brennan's self-contradictory testimony (without ever questioning his credibility), it applied diligence in seeking to discredit Rowland. The commission even asked the FBI to investigate Rowland's credibility, while, judging from the commission's own records, no such investigation was made of Brennan. . . .

The commission discovered, in its investigation of Rowland, that he occasionally exaggerated such matters as his academic grades. His wife acknowledged that she had known her husband to make such exaggerations. With this, the commission tossed aside Rowland's testimony. On the other hand, Howard Brennan's contradictions were overlooked and parts of his testimony accepted as prime evidence. The point is not whether Rowland could be considered a simon-pure witness; the point is that at the very least, he was as good a witness as Brennan--yet the commission ignored his evidence, while Brennan was elevated to the status of a star witness to assert that Oswald was shooting from the sniper's perch (71:92).

Harold Weisberg:

Any impartial examination of Rowland's testimony shows he was precise, consistent and, insofar as his testimony about the events in Dallas that tragic day are concerned, both truthful and credible--much more so, certainly, than the Commission's pen of star performers. (76:126)

### The Famous Backyard Photos

Posner insists that the famous backyard photographs, which show Oswald holding the alleged murder weapon and some radical newspapers, have been positively authenticated (6:107-109). However, there are strong indications of fakery in these pictures, and more doubt was cast upon them in 1992 when two manipulated backyard prints were released from Dallas police files (4:xxii-xxiii). The prints show the white silhouette of a human figure where Oswald is supposed to be, although it is not clear yet when these prints were made.

The discovery of the doctored print lends credence to the testimony of Robert Hester, a Dallas photographer who helped process assassination-related film for the Dallas police and the FBI on November 22, 1963. Hester saw an FBI agent with a transparency of one of the backyard pictures on November 22, which was the day *before* the police said they "found" the photos. Moreover, one of the backyard photos Hester processed showed no figure in the picture, just like the doctored print released by Dallas authorities last year (5:452).

For a detailed discussion of the indications of fraud in the backyard rifle photos, the reader is referred to the transcript of my nearly three-hour interview with Mr. Brian Mee, a professional photographer and photo lab technician, which is available in my book *Hasty Judgment*. I would also refer the reader to my article "[The HSCA and Fraud in the Backyard Rifle Photos](#)."

### A Discredited Witness and a Suspicious Palm Print

Amazingly, Posner wholeheartedly accepts the testimony of Howard Brennan, who said he saw Oswald firing from the sixth-floor window (6:247-250). However, it has been well known for years that Brennan's testimony would have been torn to shreds in a trial (4:83-94; 5:25-27; 14:78-79). For starters, Brennan couldn't even identify which sixth-floor window he supposedly observed, and the Zapruder film shows he was not looking up until after frame 207, over two seconds after the first shot was fired (at around frames 145-160). Brennan said the man he saw in the window was standing when he fired each of the shots, a fanciful proposition that even the WC rejected.

In addition, Brennan failed to identify Oswald in a police line-up on November 22, even though he had seen Oswald's picture beforehand. Posner deals with this problem by advancing Brennan's claim that he could have identified Oswald in the November 22 line-up but was afraid to do so because he feared Oswald had accomplices who would kill him if he made the identification (6:249)! Yet, on November 22, Brennan spoke with reporters about the assassination, and he even gave them his name (4:92)--strange behavior for a man who supposedly feared he would be killed if he identified Oswald in a police station. In any case, regardless of why Brennan failed to positively identify Oswald as the man he had seen in the sixth-floor window, it should be pointed out that it was only after a month's worth of "questioning" by federal agents that Brennan finally gave the authorities a positive identification of Oswald as the sixth-floor shooter. The HSCA found Brennan's testimony to be so full of contradiction and confusion that it ignored his story entirely.

There is another serious problem with Brennan's testimony that is often overlooked. Brennan said that when he looked up after the presidential limousine had driven away, he still saw Oswald in the sixth-floor window (6:248). Brennan added that Oswald *remained* at the window for at least a few seconds after that (6:248). Then, said Brennan, Oswald "simply moved away from the window until he disappeared from my line of vision" (6:248). "He didn't appear to be rushed," recalled Brennan. How could Brennan's account be true when Oswald was seen on the *second floor* less than ninety seconds after the shooting? Oswald would have had to wipe off the rifle, squeeze out from the sniper's nest, run to the other side of the floor, hide the weapon carefully between and under some boxes, and then run down four flights of stairs, dart across the second-floor landing, and bolt through the foyer door, all in well under ninety seconds. When the Warren Commission staged a reenactment of Oswald's alleged dash, the police officer playing Oswald could only meet the ninety-second time limit by *not* wiping off the rifle and by skipping the hiding of the rifle (as well as by skipping the Coke buying). If Oswald stayed at the window for several seconds, or longer, after the limousine drove away, he could not possibly have made it to the second floor less than ninety seconds after the shots were fired.

Yet another often-overlooked problem with Brennan's testimony is that Brennan said he saw three-fourths of the rifle in the sixth-floor window and that he saw no scope on it. But if the rifle had been the alleged murder weapon, a Mannlicher-Carcano, the scope would have been visible to Brennan. Brennan, incidentally, was farsighted and, as Posner acknowledges, had extraordinary vision for anything at a distance (6:250).

Posner accepts the assertion that Oswald's right palm print was found on the barrel of the Italian-made Mannlicher-Carcano rifle, the alleged murder weapon. To put it charitably, there were many "irregularities"



surrounding the palm print. For example, the print had no chain of evidence, and, amazingly, the police officer who said he found the print, Lt. J. C. Day, failed to photograph it (4:153-158). When an FBI fingerprint expert examined the Carcano on November 23, he found no identifiable prints on it, even though Lt. Day said the print was still "visible" when he gave the rifle to the FBI. Moreover, the FBI expert said the rifle's barrel did not even appear to have been processed for prints. Although Lt. Day said he found the palm print on Friday, November 22, newsmen who were in touch with Dallas police detectives reported that evening that Oswald's prints had *not* been found on the rifle (18:354 n). In addition, on November 23, the Dallas police department's chief of homicide, Captain Will Fritz, also said Oswald's prints had *not* been found on the alleged murder weapon (18:354 n). In point of fact, nobody seemed to know anything about a palm print on the rifle until *after* Oswald was dead (18:354-356 n; 5:443-445). The "discovery" of the palm print was so suspicious that even the WC privately doubted its authenticity (5:443-445).

### The Alleged Murder Weapon

Posner says the Italian rifle's telescopic sight would have made the President's car seem a mere twenty-five yards away (6:474). However, as Posner should know, the FBI found that the rifle's scope was so clumsily attached and so unrelated to the weapon's line of fire that it could not be adjusted; indeed, metal shims had to be placed under the scope before the rifle's accuracy could even be tested (4:126-127).

### Smoke on the Grassy Knoll

One of Posner's reasons for rejecting the testimony of witnesses who said they saw smoke on the grassy knoll after the shooting is that "modern ammunition is smokeless" (6:256). However, Posner says nothing about "smokeless ammunition" in presenting the testimony of James Worrell, who claimed he saw "smoke" come from a rifle which he said was firing from the sixth floor of the TSBD (6:247). Anyhow, the HSCA's firearms experts debunked the myth of "smokeless ammunition" (25:27; cf. 5:59). Even if "modern ammunition" were truly smokeless, which it isn't, that would say little about the ammunition used in 1963.

Continuing, Posner says, "It is likely that any smoke seen was in fact steam" from the hot steam pipe behind the fence on the knoll (6:256). But the steam pipe was too far back from the fence to have produced the smoke seen on the knoll; nor could the smoke have been motorcycle exhaust, as other lone-gunman theorists maintain (25:27). In one frame of the Weigman film, as the presidential limousine enters the triple underpass a puff of smoke is visible hanging in front of the trees on the knoll, which is exactly where Sam Holland and other railroad workers placed the smoke (5:58). Not only did some people see what appeared to be gun smoke on the grassy knoll, but several witnesses said they detected the scent of gun powder on and near the knoll right after the shots were fired (5:16-17). The grassy knoll, it should be recalled, was in front and to the right of JFK's limousine when he was shot. Not one of the police officers who inspected the alleged sniper's nest reported smelling the slightest trace of gun powder.

### The Dallas Doctors and the Medical Evidence

Posner reportedly interviewed seven of the Dallas doctors who saw JFK's body at Parkland Memorial Hospital, and all of them allegedly agreed with the WC's claims about the President's wounds (6:286-316). The seven doctors who reportedly told Posner they accepted the Commission's medical claims were Pepper Jenkins, Malcolm Perry, Charles Carrico, Adolph Giesecke, William Midgett, Paul Peters, and Ronald Jones. According to Posner, these doctors now say the head wound was on the right side of the head and that the throat wound was an exit wound, which is what the WC asserted. Posner denies there was a large defect in the back of Kennedy's skull, for this would indicate a shot from the front.

According to Posner, the fatal head shot came from behind and exploded out of the "right side" of Kennedy's head (6:307-316). There is massive eyewitness testimony against this view and for the belief that the fatal head shot came from the front and exited the right rear portion of the President's skull. Virtually all lone-gunman theorists deny there was a large defect in the rear of JFK's head, but the wound was closely observed by numerous witnesses, including Parkland and Bethesda medical personnel. Harrison Livingstone has superbly documented this eyewitness evidence in his books *High Treason 2* and *Killing the Truth*.

Posner discusses two of the Dallas doctors who continue to dispute the later placements of the large wound, Dr. Robert McClelland and Dr. Charles Crenshaw, who recently wrote a book rejecting the autopsy findings.

Posner engages in a scurrilous attack on Dr. Crenshaw, questioning his sanity and veracity. As part of his attack, Posner quotes some disparaging comments about Crenshaw made by an *anonymous* "close Crenshaw friend" (6:313-314). Posner does not inform his readers that Dr. Crenshaw, a man of impeccable reputation, is Clinical Professor of Surgery at the University of Texas Southwestern Medical School and is on the staff of John Peter Smith Hospital and St. Joseph Hospital in Fort Worth, Texas. In addition, Dr. Crenshaw has been honored with inclusion in several medical and professional societies and has published extensively.

Dr. Crenshaw was present during the efforts to save JFK's life. He noted "much of what was going on, and his recollections are extensive" (10:110). Dr. Crenshaw says the large defect was in the back of the President's head, and he is certain the wound could only have been caused by a shot from the front. After the President had been pronounced dead, Dr. Crenshaw stood right behind Aubrey Rike as Rike helped to put Kennedy's body in the coffin. He remembers Rike commenting that he could feel the edges of bone around the hole in the back of the President's head (10:112). Rike has confirmed this in numerous interviews (e.g., 10:118).

Apparently Posner couldn't find an anonymous "close friend" of Dr. McClelland's to assail his sanity and character, so he questions the doctor's judgment and memory. Three of the other Dallas doctors, along with Dr. Michael Baden, a long-time defender of the single-assassin theory, are enlisted to assist in the attack (6:312-313). However, Dr. McClelland, a deeply religious man, has been consistent in his descriptions of JFK's head wound. He told the WC that the large defect was in the back of the head, and, unlike some of the other Dallas doctors, he has never had a convenient change of memory. Moreover, it is strange that when Dr. McClelland testified before the WC, not one of the other Parkland doctors questioned or contradicted his testimony in any way. In fact, all but one of the Dallas doctors who testified before the Commission on the subject placed the head wound in the right rear part of the skull, just as Dr. McClelland did (18:308-337); and that one doctor, when interviewed on camera years later, located the large defect more toward the right rear part of the head (68:87).

Dr. Peters' change of memory seems to be especially pronounced. According to Posner, Dr. Peters now accepts the WC's placement of the head wound. However, when asked about the wound for the documentary *The Men Who Killed Kennedy*, he said,

I could see that he had a large, about seven- centimeter, opening in the right occipital- parietal area [i.e., the right rear part of the head]. A considerable portion of the brain was missing there, and the occipital cortex, the back portion of the brain, was lying down near the opening of the wound, and blood was trickling out.

As Dr. Peters gave this description of the head wound, he repeatedly illustrated his explanation by placing his right hand on the *right rear part of the head*, exactly where Crenshaw and McClelland locate the wound.

Just what is the evidence that there was a large wound in the back of President Kennedy's head? The following individuals got a good look at, and in many cases also handled, the President's head and are on record that the large wound was in the right rear part of the skull:

- \* Audrey Bell, a nursing supervisor at Parkland Hospital.
- \* Diana Bowron, Parkland Hospital nurse. Nurse Bowron actually cleaned the large defect and packed it with gauze squares in preparing the body for the casket. She vividly remembers that the large head wound was in the right rear part of the skull.
- \* Dr. Kemp Clark, Parkland Hospital.
- \* Dr. Charles Crenshaw, Parkland Hospital.
- \* Jerrol Custer, the x-ray technician at Bethesda Hospital who took the President's autopsy x-rays.
- \* Dr. Richard Dulaney, Parkland Hospital.
- \* Dr. John Ebersole, Bethesda Hospital radiologist. In an extensive interview with his hometown newspaper in 1978, Dr. Ebersole said, "When the body was removed from the casket there was a very obvious horrible gaping wound in the back of the head" (18:543).
- \* William Greer, Secret Service agent, who drove the presidential limousine.
- \* Clint Hill, a Secret Service agent who was taken to the morgue for the express purpose of viewing the President's wounds and who was also in the Parkland trauma room when the President was being treated. It was Agent Hill who climbed onto the back of the limousine to get Jackie Kennedy to return to her seat. Hill testified that as he was lying over the top of the back seat "I noticed *a portion of the president's head on the right rear side was missing* and he was bleeding profusely" (8:285, emphasis added). It should be added that Agent Hill described saw this same right-rear head defect when he went to the morgue for the express purpose of viewing the President's wounds.
- \* Patricia Hutton (now Patricia Gustaffson), a nurse at Parkland Hospital who placed a bandage against the wound in the back of the head.
- \* James Curtis Jenkins, a Navy lab technician at Bethesda Hospital who was present at the autopsy.
- \* Dr. Robert Karnei, Bethesda Hospital, who was present at the autopsy.
- \* Roy Kellerman, a Secret Service agent who was present at the autopsy.
- \* Dr. Robert McClelland, Parkland Hospital.
- \* Doris Nelson, a chief nurse at Parkland Hospital.
- \* Floyd Riebe, a photographic technician who took pictures of the President's body at Bethesda Hospital.
- \* Aubrey Rike, an ambulance driver and funeral home worker in Dallas. Rike was called to Parkland Hospital soon after the shooting and assisted in placing the President's body in the casket. Rike could actually feel the edges of the large wound in the back of the head.

\* Tom Robinson, the mortician who had the job of putting the President back together after the autopsy in case the family wanted to take one last look at him. Robinson, of course, had to spend a good part of his time handling the President's head. He saw and felt the large wound in the back. The recently released HSCA interview of Robinson reveals that Robinson told the Committee that the large defect was in the back of the head, and, significantly, that there was an orange-sized hole in the rear even after the inclusion of late-arriving skull fragments from Dallas.

\* Jan Gail Rudnicki, a lab assistant at Bethesda Hospital who was present at the autopsy.

\* Roy Stamps, a Fort Worth newsman who saw Kennedy lying in the limousine before he was moved into Parkland Hospital. Said Stamps, "I rushed up and saw Kennedy lying in the car. . . . The back of his head was gone" (5:362).

\* Dr. David Stewart, Parkland Hospital.

Below is a brief look at the initial statements made by several of the Dallas doctors showing that they located the large head wound in the right rear part of the skull. The remarks are taken from the doctors' hospital reports and from their subsequent Warren Commission testimony as presented in volume 6 of the HSCA appendices (pp. 303-304):

\* Dr. Kemp Clark:

Two external wounds, one in the lower third of the anterior neck, the other in the occipital region of the skull, were noted.

There was a large wound in the right occipito- parietal region . . . both cerebral and cerebellar tissue were extruding from the wound.

There was a large wound beginning in the right occipital extending into the parietal region.

\* Dr. Charles Carrico:

Dr. Jenkins attempted to control slow oozing from cerebral and cerebellar tissue via pads instituted.

\* Dr. Malcolm Perry:

A large wound of the right posterior cranium was noted.

\* Dr. Charles Baxter:

The right temporal and occipital bones were missing and the brain was lying on the table.

A large gaping wound in the back of the skull . . . literally the right side of his head was blown off.

\* Dr. Marion T. Jenkins:

There was a great laceration on the right side of the head (temporal and occipital ) causing a great defect in the skull plate . . . even to the extent that the cerebellum had protruded from the wound.

\* Dr. Ronald Jones:

What appeared to be an exit wound in the posterior portion of skull.

\* Dr. Gene Akins:

Back of the right occipital parietal portion of his head was shattered, with brain substance protruding.

\* Dr. Paul Peters:

We saw the wound of entry in the throat and noted the large occipital wound.

For an excellent review of Posner's handling of the Parkland doctors, I would refer the reader to Wallace Milam's article, "Posner and the Dallas Doctors," which I have uploaded to the JFK Debate library in CompuServe's Politics Forum with Mr. Milam's permission.

Former HSCA consultant Robert Groden said the following regarding the large defect in a report he submitted to the Select Committee:

The most reliable descriptions [of the large head wound] were those from the Parkland doctors on the day of the murder. Doctors Clark, Jones, Perry, Baxter, Akin, McClelland, and Nurses Hutton, Bowron, and several others all describe that same wound in great detail, and all place it at the same point in the rear of the President's head in the area of the occipital bone. Many said cerebellar tissue protruded from a large avulsive exit wound. This too indicates a lower rear head exit wound. . . .

Furthermore, the descriptions of the eyewitnesses who saw Kennedy's head wound at Parkland are corroborated by those who saw the bullet impact upon the head in Dealey Plaza. Secret Service Agent Clint Hill saw a piece of the president's skull fly from the President's head and travel toward the rear-left of the car. Mrs. Kennedy attempted to pick up this piece (and indeed from a recently declassified portion of her Warren Commission testimony we can see that she may have picked up a section of skull) and tried to hold it onto the rear of her husband's head.

The next day Billy Harper found a piece of bone in Dealey Plaza. Originally, the "Harper" fragment was identified by a qualified pathologist as a section of occipital bone. In addition, there is photographic evidence of a shot exiting from the rear of the President's head. (6 HSCA 299-300)

Posner is confident the alleged JFK autopsy photos and x-rays are authentic. He points out that they were authenticated by two HSCA panels (6:301-302). However, those panels based their "authentication" on a few narrow criteria, and they did not explain all of the indications of fakery in the autopsy materials (10:313-356).

Posner attempts to explain only one of the several indications of forgery: The disparity between the pictures showing the face and the skull x-rays. In the autopsy pictures Kennedy's face is intact and undamaged. The emerging consensus is that the x-rays do indeed show missing frontal bone, but not in the forehead area as was previously thought by some researchers. The missing frontal bone, say experts, is just beyond the forehead, i.e., just past the hairline. Dr. Lawrence Angel and Dr. G. M. McDonnell prepared interpretations of the alleged skull x-rays for the HSCA. These experts put the missing frontal bone beyond the hairline. So does Dr. David Mantik, a radiation oncologist and physicist who was permitted to examine the original x-rays at the National Archives. Dr. Phillip Williams, a neurosurgeon who saw JFK's body at Parkland Hospital, likewise noted, at a filmed 1991 conference which included several medical witnesses, that the x-

rays depict a large amount of missing frontal bone (10:301-302). However, the amount of missing bone and damage in the right frontal area that they described does not seem to be reflected in the autopsy photos. In fact, in the autopsy photographs, there is very little damage to the frontal area.

Some of the other indications of fraud in the autopsy x-rays and photographs are as follows:

- \* The x-rays were authenticated partly on the basis of a right frontal sinus, but if the x-rays are composites, or are the originals but have been altered, an authentication based on sinuses does not automatically prove authenticity.
- \* In the color versions of the right-profile and top-of-the-head pictures, there are three large bloody red stripes hanging down on top of Kennedy's hair, giving the appearance of a severe wound at the top of the head. However, in the black and white reprints of these photos the stripes are white or light gray. However, red turns to black, not to white or light gray.
- \* In the stare-of-death picture labeled F1 from the James K. Fox set, the President's head casts a shadow on the towel beneath the right ear, but according to professional photographer Steve Mills the shadow should not be there because the light from the camera's flash would have eliminated it.
- \* The autopsy photos were supposedly taken at the morgue of the Bethesda Naval Hospital, but some of the medical technicians who worked there--and who also assisted with the autopsy--have stated that the background in those pictures does not appear to be that of the Bethesda morgue. Among other things, these technicians note that the instrument tray shown in the F7 top-of-the-head photo is not the kind of tray they recall being used at the Bethesda morgue. Additionally, the left-profile picture shows a black phone on the wall beside the table, but these autopsy technicians question whether there was a phone at that position at the morgue.
- \* In the skull x-rays, according to the conclusions of both the Clark Panel and the HSCA medical panel, there does not appear to be a large defect in the right rear part of the head. The alleged autopsy photos of the back and the back of the head don't show a large defect in that area either. However, as mentioned, numerous medical professionals and federal agents who saw Kennedy's body have stated that there was a large hole in that area of the skull. Moreover, private experts who have examined the x-rays report that the anterior-posterior radiograph does indicate missing bone in the back of the skull.
- \* The skull x-rays show a large 6.5 mm fragment in the outer table of the skull below what appears to be an entrance hole in the back of the head. However, no such fragment was observed in the skull x-rays that were taken and examined on the night of the autopsy. Moreover, the apparent entrance hole in the x-rays is four inches higher than the entry point described in the autopsy report. Additionally, ballistics expert Howard Donahue has pointed out that it is highly unlikely that this fragment could have come from a bullet fired from the alleged sniper's nest. Defenders of the x-rays speculate that the fragment "sheared off" from the bullet as the missile entered the skull. But Donahue observes that a bullet fired from the TSBD, and thus entering the skull at a downward angle, should have deposited a sheared-off fragment *above* the entrance point, not below it. He further notes that he has never heard of a fully metal-jacketed bullet shearing on impact (8:68, 160). Donahue interviewed several forensic pathologists about this subject, and all of them said they had never heard of a fragment shearing off a fully jacketed missile and depositing itself on the outer table of the skull, and that they considered this highly unlikely (8:68). Australian forensic expert Detective Shaun Roach and forensic pathologist Dr. Halpert Fillinger have likewise stated that they have never heard of a fully jacketed missile behaving in this manner, and that they consider such a scenario

extremely improbable.

Dr. Mantik, after studying the original x-rays at the National Archives with an optical densitometer, has determined that the 6.5 mm object on the anterior-posterior x-ray is not metallic. This means it must have been added to the x-ray after the autopsy. Dr. Mantik discusses this important finding in his chapter on the medical evidence in the new book *Assassination Science: Experts Speak Out on the Death of JFK* (Chicago: Catfeet Press, 1998).

Some experts assert that the x-rays are authentic but that they have been misinterpreted by the government-hired consultants who have examined them. For instance, Dr. Randy Robertson, a radiologist who has examined the x-rays at the National Archives, says they show that two bullets struck President Kennedy in the head, and that one of them entered from the front. Dr. Joseph Riley has likewise concluded that the skull x-rays show that two bullets struck Kennedy's head. Additionally, Dr. Gary Aguilar and Dr. David Mantik maintain that one of the skull x-rays at the National Archives indicates a defect in the right rear part of the head.

### The First Shot

Posner asserts that the first shot came at around frame 160 of the Zapruder film, and that it missed both Kennedy and the limousine (6:320-326). In other words, the sixth-floor shooter supposedly fired his first shot just a fraction of a second before the President's limousine disappeared beneath the intervening oak tree in front of the Depository. This suggestion is doubtful. In order to fire at frame 160, the gunman would have had to fire at a sharply downward angle, and it seems to me that he would have also had to shift his body to the right and rise out of his kneeling position a little bit. In any case, he would have been firing at a substantial downward angle. Yet, on the other hand, in spite of these factors, it is hard to believe he could have completely missed, not only Kennedy, but the entire limousine. He would have been firing from 60 feet up and from less than 140 feet away for a shot at around frame 160. How could he have missed the entire limousine? This would have been a staggering miss from the sixth-floor window. Even the WC, as desperate as it was to expand the alleged lone gunman's firing time, could not swallow the idea that his first shot came before frame 207, which is when the limousine would have reemerged into the sixth-floor shooter's view after passing beneath the oak tree (Kennedy would have come back into view at Z210). The Commission rightly noted that in order to believe the gunman missed on his first shot, we would have to believe that he managed to completely miss, not only the President, but the entire limousine, "one the . . . closest of his shots"--and the Commission, it should be noted, was talking about a first shot that would have been *farther* away than a shot at around frame 160.

The Commission, by all accounts, leaned strongly toward the view that the first shot was a hit, and this position is evident in the Commission's report. With this in mind, it is important to note that the Commission believed that Kennedy was not hit before frame 210. The Commission explained:

It is probable that the President was not shot before frame 210, since it is unlikely that the assassin would deliberately have shot at him with a view obstructed by the oak tree when he was about to have a clear opportunity. It is also doubtful that even the most proficient marksman would have hit him through the oak tree. (32:98, 105)

The Commission said a shot prior to frame 166, i.e., the relatively brief span of time when the limousine traveled on Elm Street before disappearing beneath the tree, would have been "hurried." I suspect the Commission did not feel the need to elaborate because it knew that it was extremely unlikely that the

gunman would have missed both Kennedy and the huge limousine from such a relatively short distance and high elevation, even though the shot would have required a steep downward angle.

One indication of the implausibility of a shot before frame 166 is CE 887, which shows a technician taking reenactment footage from the sniper's nest for the WC. The technician is filming through a camera attached to the Carcano. The rifle is mounted on a tripod stand and is several inches *higher* than Oswald would have been able to feasibly hold the rifle while still kneeling and keeping an elbow on the boxes that he allegedly positioned by the window for support (compare CE 887 with CE 2707 in 32:99, 142). Even with the rifle thusly stationed on the technician's tripod, the barrel is pointing downward at a rather sharp angle and the scope is nearly touching the lower edge of the window shutter. It is also interesting to note that the technician seems to be somewhat cramped as he is filming from the corner, even though he is using a box to sit on, and even though the surrounding boxes have been removed to allow him more freedom of movement. A sixth-floor assassin would have been even more cramped, and he would not have had the comfort of sitting on a box while firing.

The bottom line is that it is highly unlikely that the gunman in the sixth-floor window fired before frame 166. Thus, the Commission's alleged lone assassin would have had no more than 5.6 seconds to fire three shots with world-class accuracy using a clumsy bolt-action rifle. Not one of the expert marksmen hired by the WC could duplicate the shooting feat attributed to Oswald.

Posner gets himself into more trouble with his claim that the first shot missed, as discussed above (6:319-326). Aside from the improbability that the gunman would have missed the entire limousine, another problem with this assertion is that if the first shot was fired at Z-frame 160, as Posner claims, it could not possibly have caused James Tague's facial injury, which resulted from one of two things: (1) flying concrete that came from a nearby curb when the curb was struck by a bullet that missed, or (2) a bullet fragment that struck the face directly. Tague was standing under the triple underpass, about 450 feet from where Posner's stray shot would have landed. In addition, he was standing over twenty feet from the point on the curb where the bullet struck. And Tague's facial injury was no little scratch: It was a bleeding cut (68:41).

To account for the wounding of Tague, Posner offers some downright fanciful speculation. According to Posner, the first bullet struck a limb of the oak tree, after which its lead core instantly separated from the metal jacketing and traveled in a straight line from the TSBD to the curb over 400 feet away, somehow landing with enough force to send concrete fragments streaking toward Tague! This is surely far-fetched. Even if we assume the lead core instantly shed its copper jacketing after the supposed tree-branch collision, would the core have had sufficient force over 400 feet later to send concrete flying fast enough to cut Tague's face? And how could Oswald, the alleged world-class marksman, have missed his target so badly that he hit a branch of the oak tree? How could he have aimed so poorly on his first shot when the first shot is usually the most accurate?

For Posner's theory even to be possible, we would have to believe that the bullet struck the limb at a point where the limb was strong enough not to snap or bend from the force of the missile's impact. This means the bullet would have had to strike the limb at least a foot or two from its tip, which would have been a mind-boggling miss from the sniper's nest.

It is worth pausing to note a glaring contradiction in Posner's scenario. According to Posner, when the first fully metal-jacketed Carcano missile struck a tree limb, this caused the lead core to separate from the copper jacketing. But, the next Carcano bullet supposedly transited Kennedy's neck, plowed through Connally's back, broke a rib bone and a hard wrist bone, and then penetrated the Governor's thigh, yet emerged in



nearly perfect condition, with its lands and grooves intact, with no damage to its nose, and with no more than 4 grains lost from its substance.

One might wonder why Posner posits such an early first shot instead of following Jim Moore and placing the initial bullet at the break in the foliage. Posner goes with an early first shot because, unlike other lone-gunman theorists, he acknowledges there is persuasive eyewitness testimony that a shot was fired between Zapruder frames 145 and 166. (There is also good evidence that *another* shot was fired at right around frames 186-188.) Posner's problem is that he can't allow for the possibility that a gunman was firing from a building adjacent to the TSBD. An assassin firing from one of the buildings that were on the other side of Houston Street and closer to Main Street would have had a good view of the limousine prior to frame 207 (and afterward).

Based on an analysis of the Zapruder film, the HSCA's photographic panel concluded that "President Kennedy first showed a reaction to some severe external stimulus by Zapruder frame 207 as he is seen going behind a street sign that obstructed Zapruder's view" (6 HSCA 16). The panel concluded that this shot was fired just before frame 190, probably at around frames 186-188. But the sixth-floor gunman's view of the limousine would have been obscured by the oak tree at this time. The Select Committee's chief counsel suggested that the sixth-floor gunman fired this shot at frame 186, during the split-second break in the oak tree's foliage. However, the gunman would have had only 1/18th of a second to aim and fire this shot, yet the human eye requires 1/6th of a second to register and react to data. Also, even the Warren Commission admitted it was unlikely that the alleged single assassin would have fired during the break in the foliage (32:98-105).

### The "Second" Shot

As for the second shot, Posner says it was the first hit, and that it passed through Kennedy and Connally nearly simultaneously at Z-frame 224 (6:329-332). Posner bases this idea on the claim that the right front of the Governor's suit lapel flips up at this frame. According to Posner, this establishes the moment of the second shot because the movement of the jacket occurs "at the exact area" where Connally's suit and shirt have a bullet hole (6:330). But how did this bullet, which, according to the chief autopsist, hit Kennedy's back at a *downward* angle of 45 to 60 degrees, or 21 degrees according to the HSCA's trajectory analysis, manage to go *up* to JFK's throat and yet strike Connally at a *downward* angle of 27 degrees? We will return in a moment to the impossible trajectories of the bullet that supposedly passed through both Kennedy and Connally.

But what of the lapel flip? Some suggest it was caused by the rather stiff breeze that was intermittently blowing in Dealey Plaza that day (13:18). If a bullet caused the lapel flip, what do we do with the evidence that indicates Connally wasn't struck until right around Z234-237? Governor Connally himself chose frame 234 as the actual moment of impact.

It should be noted that the missile did *not* exit through the lapel. Posner says the lapel is the "exact area" where the Governor's suit and shirt have a hole. But the bullet hole is *not* in the coat lapel--it is lateral to it. In fact, in a diagram of the exit wound drawn by the surgeon who worked on the injury, the hole is almost directly under and well beneath the right nipple (68:126). It is possible, though, assuming a bullet exited Connally's chest at Z224, that the force of bullet's departure pushed the jacket and made the lapel flip up and down. Can a lapel even flip up and down as quickly as Connally's appears to do in the Zapruder film, in the space of one or two frames (1/18th to 1/9th of a second)? Some researchers dispute that the lapel really flips up, while others say Nellie Connally's pulling on her husband caused the lapel flip.

A key indicator is Zapruder frame 238, in which the Governor's right shoulder drops sharply, in 1/18th of a second. In fact, his shoulder drops by almost 20 degrees. Obviously, this forceful drop of the shoulder was caused by the impact of a bullet, which must have struck no more than a few frames earlier, certainly between frames 234 and 237. Even lone-gunman theorist Jim Moore acknowledges the implications of the shoulder drop:

Portions of the human frame don't suddenly drop 20 degrees without some significant outside force acting upon them. And, when you consider that this shoulder drop took place within an eighteenth of a second, that outside force must have been very significant indeed. Impact on the Governor's back, then, most likely took place at Zapruder frame 237. (3:168-169)

Connally's doctors studied the Zapruder film and concluded that the moment of the missile's impact was at about frame 236. The Governor himself selected frame 234 as the moment of impact. The time span from frame 234 to frame 237 is less than one quarter of a second.

Some researchers maintain that the dramatic shoulder drop is actually an optical illusion caused by the rapid movement of Jackie's hand. But Professor Josiah Thompson has proven that the shoulder drop is not an optical illusion (59:74-76). Explains Thompson,

This shoulder collapse can be seen quite readily by comparing the slope of the Governor's shoulder against some relatively constant line-- such as the top of the car door. When we do this we find that the slope steepens dramatically at Z238 by some 20 degrees, and remains steep through successive frames. (59:74)

Another key time indicator--one that cannot be disputed--is the pronounced puffing of Connally's cheeks in frame 238. This was an involuntary reaction caused by the bullet passing through his chest and forcing open his epiglottis (8:40). Dr. Charles Gregory, one of Connally's surgeons, estimated that the bullet must have struck the Governor no more than one-quarter to one-half a second before frame 238. So, using this time span, we would have to conclude Connally was hit no earlier than frame 229. Connally himself insisted he was not hit prior to frame 231, and, as mentioned, chose frame 234 as the moment of impact.

If Connally was in fact hit at frame 224, then this missile could not have struck President Kennedy. Why? Because it is extremely unlikely, if not impossible, that this same bullet could have caused JFK to react the way he does in frame 225. In the Zapruder film Kennedy is seen to be clearly reacting to a wound by frame 225. In this frame his right arm is at his chest and is bent sharply inward. His left arm is at about the level of his diaphragm. Together, his arms appear to be in somewhat of a football-like blocking position. If a missile transited Connally at frame 224, it would have gone through Kennedy at almost the exact same fraction of a second, between frames 223 and 224, or during 224 alone (as Posner opines). But Kennedy could not have stopped waving his right hand, begun to move his left hand, and brought his right arm to his upper chest, all in less than two frames (or in less than 1/9th of a second). Ballistics expert Dr. Roger McCarthy has argued that it would have taken a minimum of 200 milliseconds, or right around four frames, for Kennedy to react, even involuntarily, as we see him doing in Z225:

Mr. CHESLER. Now, what I'd like to do is, is move to the very next frame, 225. How much time elapsed on that day between time frame 224 was filmed and the time that frame 225 was filmed?

Dr. McCARTHY. About 56 milliseconds. This camera is running at a shade more than 18 frames/second, so between any 2 frames there's about an 18th of a second or 56 thousandth of a

second. . . .

Mr. CHESLER. Now, Dr., based upon that, do you have a conclusion or an opinion as to when the President was hit with the bullet--how much before this point?

Dr. McCARTHY. Yes, as I think Dr. Piziali accurately indicated, there is a latency or a delay of about 200 milliseconds between the time that a message is delivered by either traumatic shock to the spine or by your mind to a muscle before you can get movement. You've experienced that every time you've ever grabbed something hot. You've known it was hot and were burned because of the delay, because you couldn't get--let go or move fast enough to avoid the damage. You knew it, and you just couldn't make your body move fast enough. There's nothing wrong with you; it takes about a fifth of a second to get all the hardware up to full power--to get the muscles to move.

Mr. CHESLER. Now, Dr., if, then, the President was hit 200 milliseconds before the movement on [frame] 225, how many frames back in the film would that be?

Dr. McCARTHY. That would be at 221 *at a minimum* [i.e., at the latest, and notice this is just based on timing it from a reaction at Z225]

Mr. CHESLER. And at 221 he's behind the sign, is that correct?

Dr. McCARTHY. Yes.

Mr. CHESLER. Alright. If he was hit at 221 and the Governor was hit at 224 according to the prosecution, then could they have been hit by the same bullet?

Dr. McCARTHY. NO. (63:235-236, emphasis added)

Other experts opine that the fastest possible reaction time could have been as little as .10 to .12 seconds. Two experts I consulted said such a speedy reaction was theoretically possible but they indicated that a slightly slower response was more probable under the circumstances. In any case, .10 seconds equates to 2.1 Zapruder frames. So, if we assume Kennedy reacted in .10 seconds, this means the bullet could have struck him no later than Z222. The earliest time given by WC supporters for the alleged magic-bullet, lapel-flipping strike is Z223.19. Thus, Kennedy's Z225 reaction could not have been in response to the same missile that allegedly struck Connally at Z224.

Some WC defenders have speculated that the bullet that struck Kennedy in the back went through his right brachial plexus and that a nerve impulse was sent straight from the brachial plexus to the right arm. This theory is based on a high placement of the back wound, yet the weight of the evidence clearly indicates the wound was well below the top of the shoulder blade. Additionally, this theory fails to explain the movement of Kennedy's left arm. Furthermore, even assuming the theory is correct, it would still not explain how JFK could have snapped his right hand to his chest in less than 1/9th of a second (or in no more than 100 milliseconds). This theory also runs into trouble when viewed against the evidence in the Zapruder film that Kennedy was hit at around Z188. Numerous researchers, in agreement with the House Select Committee's photographic panel, have found indications in the Zapruder film that Kennedy begins to react to severe external stimulus at around Z200. This reaction occurs at almost the exact same time when others in the film appear to respond to the sound of a shot.

Since the wound that caused Kennedy's reaction in frame 225 most likely did not occur after frame 221, and positively no later than Z222 this means that if Connally was struck at frame 224, he must have been hit by a different bullet than the one to which Kennedy is clearly seen to react by frame 225. (Of course, as mentioned, the HSCA photographic panel determined that Kennedy began reacting to a wound much earlier than frame 225. Private researchers had reached the same conclusion years earlier. Kennedy's actions in frame 225 constitute the latter stage of a reaction that began about a second and a half earlier in response to the bullet that struck him at around frame 188-190. Recently, Robert Harris discovered that in frame 188 Kennedy's cheeks appear to puff out.)

### The Magic Bullet

Posner embraces the dubious single-bullet theory, which says that a single bullet, also known as the "magic bullet," struck Kennedy in the "upper back," exited his throat, passed through Governor John Connally, causing all of his wounds, yet emerged in nearly pristine condition, suffering only a "slight" flattening at its base and losing no more than three grains of its substance (6:334-340; Dr. John Nichols, a professor of pathology, argued that the missile's alleged journey could *not* have produced the amount of flattening that the bullet suffered, even though it appears to be rather slight). This bullet is officially labeled as Commission Exhibit (CE) 399.

The theory is dubious from the outset because the weight of the evidence indicates that the magic bullet was not the object that injured Connally's thigh. According to the Parkland doctors and the WC, the object that injured Connally's thigh deposited a fragment in the femur bone. But did a bullet strike the thigh? Or was it just a fragment? The initial police report on the thigh wound, citing Parkland doctors, stated that it was caused by a fragment. Connally's own press secretary, Bill Stinson, said the same thing on the afternoon of the assassination. Dr. Malcolm Perry, who assisted with the surgery on the thigh, told Harold Weisberg that the thigh wound was caused by a fragment, not by a whole missile. And Dr. Robert Shaw, Connally's chest surgeon, has likewise said that only a fragment struck the thigh.

Even two members of the WC found the single-bullet theory so implausible that they eventually rejected it. The autopsy doctors also balked at the idea. One of those autopsists, Dr. Pierre Finck, testified under oath in 1969 that during the autopsy he could not find an exit point for the back wound (9:291). Another one of the autopsists, Dr. J. Thornton Boswell, told author Josiah Thompson that all three autopsy doctors probed the back wound with their fingers but could not penetrate more than an inch or two (5:371). Similarly, James Jenkins, one of the medical technicians who assisted with JFK's autopsy, says the back wound was probed and that it had no point of exit. Retired U.S. Navy pathologist Dr. Robert Karnei, who watched most of the autopsy, likewise recalls the probing of the back wound and the determination that it had no exit point. Moreover, three FBI reports on the autopsy confirm the probing and the back wound's limited depth (18:83-84, 149-169). So the supposed magic bullet did not exit Kennedy's throat.

As for the throat wound itself, the Dallas doctor who performed a tracheostomy over it described it in considerable detail, and said it was a very small, fairly neatly defined, circular puncture--in short, it had all the traits typical of a bullet's point of entry.

What about the fact that more fragments were recovered from Governor Connally's wrist alone than are missing from CE 399? Posner replies that one of Connally's surgeons, Dr. Charles Gregory, said the fragments that were removed from the Governor's wrist were merely "flakes of metal" and that they weighed less than a postage stamp (6:339-340). That is not how Nurse Audrey Bell remembers it at all. Nurse Bell is the Parkland Hospital operating-room nurse who handled the fragments that were removed from the

Governor's wrist. She insists the fragments were not merely flakes but were identifiable pieces of metal anywhere from 3 to 4 millimeters in length by 2 millimeters wide (18:558; 10:304, 312). This squares with the recollection of one of Connally's other surgeons, Dr. Robert Shaw. Interviewed for the award-winning 1988 documentary *Reasonable Doubt: The Single-Bullet Theory*, Shaw said, "I am sure that the bullet that inflicted these wounds on Governor Connally was fragmented much more than this bullet [CE 399] shows" (cf. 71:65-66; 4:77).

There didn't seem to be any question about the wrist fragments in the months after the shooting. The Parkland Hospital operative record stated that "small bits of metal were encountered at various levels" of the wrist wound, and that "*wherever they were identified and could be picked up were picked up* and have been submitted to the pathology department for identification and examination" (32:533, emphasis added; cf. 4:76). Asked if CE 399 could have been the bullet that struck Connally's wrist, Dr. Finck, one of Kennedy's autopsists, answered, "No, for the reason that there are too many fragments described in that wrist," and he based this conclusion in large part on the Parkland Hospital operative record (9:297). Dr. James Humes, the chief pathologist at the autopsy, understood the clear implications of the operative record's wording. Dr. Humes was asked if CE 399 could have been either the missile that struck the head or the one that wounded Connally's wrist. He replied in the negative and cited the Parkland operative record as the basis for his conclusion:

Mr. SPECTER. Doctor Humes, I show you a bullet which we have marked as Commission Exhibit No. 399, and may I say now that, subject to later proof, this is the missile which has been taken from the stretcher which the evidence now indicates was the stretcher occupied by Governor Connally. I move for its admission into evidence at this time.

The CHAIRMAN. It may be admitted. (The article, previously marked Commission Exhibit No. 399 for identification, was received in evidence.)

Mr. SPECTER. We have been asked by the FBI that the missile not be handled by anybody because it is undergoing further ballistic tests, and it now appears, may the record show, in a plastic case in a cotton background.

Now looking at that bullet, Exhibit 399, Doctor Humes, could that bullet have gone through or been any part of the fragment passing through President Kennedy's head in Exhibit No. 388?

Commander HUMES. I do not believe so, sir.

Mr. SPECTER. And could that missile have made the wound on Governor Connally's right wrist?

Commander HUMES. I think that that is most unlikely. May I expand on those two answers?

Mr. SPECTER. Yes, please do.

Commander HUMES. The X-rays made of the wound in the head of the late President showed fragmentations of the missile. Some fragments we recovered and turned over, as has been previously noted. Also we have X-rays of the fragment of skull which was in the region of our opinion exit wound showing metallic fragments.

Also going to Exhibit 392, the report from Parkland Hospital, the following sentence referring to the examination of the wound of the wrist is found:

"Small bits of metal were encountered at various levels throughout the wound, and these were, wherever they were identified and could be picked up, picked up and submitted to the pathology department for identification and examination."

The reason I believe it most unlikely that this missile could have inflicted either of these wounds is that this missile is basically intact; its jacket appears to me to be intact, and I do not understand how it could possibly have left fragments in either of these locations. (2 H 374-375)

Posner asserts that Dr. Vincent Guinn's neutron activation analysis (NAA), which was done at the request of the HSCA, proved that bullet fragments taken from Connally's wrist and Kennedy's brain matched samples from CE 399 (6:341-342). As mentioned, the magic bullet supposedly passed through both Kennedy and Connally. Therefore, according to Posner, Guinn's NAA is evidence of Oswald's guilt and of the single-bullet theory. What are the facts? Guinn himself conceded he could not vouch for the authenticity of the fragments he was given to test. He also acknowledged that the wrist fragments he tested did not weigh the same as any of the fragments listed as evidence by the WC (5:446-447; 18:556-558). Additionally, Guinn reportedly told George Lardner of the *Washington Post* that the fragments which he was told had come from Kennedy's brain did not weigh the same as any of the four brain fragments tested by the FBI in 1964 (2:495 n 6). A recently released HSCA file confirms that Guinn did not test ANY of the same samples that the FBI tested.

Furthermore, Guinn's reported NAA results appeared to contradict an earlier NAA test conducted by the FBI. In 1964 the FBI subjected fragments from Connally's wrist and Kennedy's brain, and fragments from the car, along with material from CE 399, to NAA. This test, according to many researchers who have studied its results, indicated the wrist and brain fragments did *not* match CE 399, thus destroying the single-bullet theory and the lone-assassin scenario, which could explain why the results of the FBI's NAA were suppressed until their release was forced in 1974 by a suit filed under the Freedom of Information Act (7:87-89; 5:446-447). Guinn, however, claimed that the FBI's NAA actually agreed with his results, and that the scientists who conducted that analysis simply misread their own data.

Guinn told the Select Committee that the samples he tested were "essentially similar." However, critics of Guinn's work maintain that "ANY variation at all in the molecular structure indicates that different batches of metal are involved. Thus, 'essentially similar' is not good enough" (63:116). Researcher Wallace Milam studied Guinn's tests and concluded Guinn misrepresented his own test data when he testified before the Select Committee:

... he presented findings from his own laboratory tests which contradicted the very hypothesis which is the basis of his work: that fragments from the same Mannlicher bullet exhibit a degree of homogeneity. "Homogeneity," as it relates to NAA and as Guinn used the term, meant that pieces of bullet lead taken from the same Western Cartridge Company 6.5 Mannlicher-Carcano bullet contained the same amounts of significant trace elements, particularly antimony. This served as the basis for his crucial matches of bullet fragments in the Kennedy case--in short, as the basis of everything significant Guinn told the HSCA.

*But Guinn's own tests demonstrate that this homogeneity, in fact, does not exist.* Worse, his earlier reporting of test results shows that Guinn was aware of this crucial lack of homogeneity--yet he

proceeded to give testimony contradicting his laboratory findings. (66:2, emphasis added)

Yet another problem with the single-bullet theory is the fact that Kennedy and Connally were never aligned in such a way that a bullet exiting the President's throat could have struck Connally under the right armpit. Posner claims that computer-generated reverse projection cones establish that the shots came from the southeast end of the Book Depository (6:334-335). But there are major problems with Posner's trajectory scenario.

In his illustration entitled "View from above," Posner depicts Connally as leaning considerably to his left and having his shoulders turned nearly halfway around to his right at Z224 (6:479). Posner must do this in order to place the Governor in the proper position to receive the bullet that allegedly exited Kennedy's throat. But this frame plainly and clearly shows Connally sitting upright, with his shoulders nearly square to the seat, and with only his head turned noticeably to the right. An easy way to orient the position of Connally's torso, aside from noting that his shoulders are nearly square to the seat, is to compare the position of his shoulders to that of the roll bar and the sun vizors at the top of the windshield. Both the roll bar and the vizors form lines that run straight across the car horizontally and that parallel each other. In frame 224 we see that Connally's shoulders are nearly parallel to both the roll bar and the vizors. While his head is turned about halfway to the right, his torso is clearly facing more or less straight ahead. Anyone can look at frame 224 and see this for themselves. (Two lone-gunman theorists recently acknowledged that Connally's torso is only rotated 10-15 degrees in Z224.)

Posner's alignment theory assumes that Connally was struck at Z-frame 224. But the Zapruder film appears to show he was hit at right around frame 237, for in frame 238 his right shoulder is driven 20 degrees downward, his cheeks puff up, his hair is disarranged, and a pained expression appears on his face. The sharp shoulder drop occurs within 1/18th of a second, obviously in response to the force of the bullet's impact. As mentioned, the very visible puffing of the cheeks was an involuntary reaction that resulted from the missile's passing through the chest (8:40).

Moreover, if Connally was hit at Z224, why does he show no dramatic signs of being struck until frame 238, three-quarters of a second later (8:40)? A bullet flipping up Connally's lapel at frame 224 would have entered the back in that same frame. Dr. Gregory estimated that the interval between the impact of the bullet and the Governor's reaction to it would have been *no more than one-quarter to one-half a second* (8:40). This is not surprising, since the shot that went through Connally's chest caused an involuntary opening of his epiglottis, and the escaping air then forced his mouth to open, as seen in the Zapruder film (8:40). Posner's postulated hit at frame 224 would appear to leave too much of a lapse between impact and reaction.

In presenting his trajectory reconstruction, Posner assumes that the magic bullet hit Kennedy at the base of the neck. However, the wound in question was actually located several inches down in the back, at the third thoracic vertebra. This fact is confirmed by the death certificate, by an autopsy face sheet diagram, by the holes in the back of Kennedy's shirt and jacket, by several witnesses who saw the wound, and by an FBI report on the autopsy written on the night of the assassination. Furthermore, as mentioned, the back wound was probed and found to have no point of exit.

WC apologists attempt to explain the holes in Kennedy's shirt and coat by claiming that the shirt and coat were hunched up on his back when the magic bullet struck. JFK, say the apologists, was waving his right hand above his head, causing his shirt and coat to hunch up his back. Therefore, when the bullet hit, the shirt and coat were punctured several inches lower than they would have been if they hadn't been bunched up. This suggestion is not only implausible, it is also contrary to the photographic evidence (3:154-155; 61:27).

While certain photos of the motorcade show that Kennedy's coat was bunched at times, other photos show that at other times the coat lay smoothly on his back, and not a single picture shows Kennedy's coat hunched up to the degree required by the bunched-clothing theory. Dr. John Lattimer, a WC supporter, illustrated in a drawing for a 1972 article in *Resident and Staff Physician* that Kennedy's coat would have had to bunch up *above* the shirt collar in order to account for the location of the bullet holes in the coat and shirt (75:37, figure 2). No photograph of the motorcade shows Kennedy's coat bunched to such a degree.

Noticeably absent from Posner's alignment theory is any discussion of the incompatible angles at which the magic bullet would have had to travel. For example, according to chief autopsy pathologist, Dr. James Humes, the bullet that struck Kennedy in the back penetrated at a downward angle of 45 degrees to 60 degrees. The Select Committee's trajectory expert said the downward angle was 21 degrees. But the bullet that injured Connally entered at a downward angle of 27 degrees (2:63; 4:74-75). To further complicate matters, the HSCA's medical panel unanimously concluded that the magic bullet had a "slightly *upward* trajectory" as it allegedly transited the body and exited the throat (28:435, emphasis added; 2:390). How could a bullet fired from the sixth floor of the Book Depository have transited the body and exited the neck at any kind of an *upward* angle (or even an even angle or an only slightly downward angle)? And how could a bullet exiting JFK's throat at a slightly upward angle have entered Connally's back at a downward angle of over 20 degrees? These are geometric impossibilities, unless one wants to assume that Kennedy was leaning far forward when he was hit. Indeed, as was shown in the 1988 NOVA documentary *Who Shot President Kennedy?*, the only way to make the magic bullet's vertical trajectory work is to assume that JFK was leaning very far forward *and* that Connally was leaning noticeably backward at the same time. But the HSCA's own trajectory expert said Kennedy was leaning forward by no more than 18 degrees (he put JFK's forward lean at between 11 and 18 degrees), and the WC noted that Connally was sitting "erect."

Thomas Canning, the NASA scientist who prepared the Committee's trajectory analysis, found it necessary to, in effect, ignore the medical panel's finding about the magic bullet's trajectory, though I'm sure he would deny this. Canning assumed the missile's entry point was very close to the base of the neck. Canning had to employ these and other assumptions in order to make his trajectory analysis seem plausible. Additionally, Canning found that he could not get his vertical trajectory lines to match up when he considered the back wound's location as determined by the Committee's medical panel--even that was too low. Canning brushed this problem aside as a meaningless "experimental error." In order to make the horizontal trajectory work, Canning had to assume that Connally was positioned so far to the left that his right shoulder was practically in the middle of the jump seat (see 8:item number 28). Frame 224 alone visibly refutes any attempt to move Connally that far to the left.

No magic-bullet alignment theory has yet explained how bullets coming from the alleged sniper's nest could have caused the damage that was done to the limousine's windshield. The windshield damage was too high to have been caused by a bullet coming down into the car from the sixth-floor window (8:248). The Select Committee speculated that the damage was caused by the supposed rear-head-shot bullet after it exited the skull, but Canning stated that the alleged vertical trajectory of this supposed bullet didn't line up well with the windshield damage (8:246). There is also the fact that the chrome *above* the windshield was dented by a bullet (or by a very large fragment). If the windshield damage was too high to have been caused by a fragment from the head shot, then it is especially hard to understand how a head-shot fragment could have caused the deep circular dent in the windshield's chrome (the dent was a good inch or two above the windshield damage).

Shortly before he died, Governor Connally volunteered some potentially important information relating to



the magic bullet. In his autobiography he recounted the discovery of what he assumed was CE 399. The problem is that his account contradicts the official version of the bullet's discovery. According to Connally, the bullet fell from his body when he was in Trauma Room 2 and was then picked up by a nurse (13:17). It is hard to exaggerate the potential implications of the Governor's revelation. Among other things, if it is accurate, it would appear to refute the WC's account of the magic bullet's discovery, and would constitute further evidence that CE 399 was planted. It is more likely, though, that Connally was referring to a fragment, yet that would be one fragment too many for the single-bullet theory.

### The Fatal Head Shot and the Zapruder Film

Posner attempts to explain why the Zapruder film shows JFK's upper body rocketing backward in reaction to the fatal head shot (6:315-316). Citing the work of Drs. Luis Alvarez and John Lattimer, Posner says the backward snap of Kennedy's upper body resulted, not from a shot from the front, but from a neuromuscular reaction and the so-called "jet effect" after a bullet entered JFK's head from behind.

This is a far cry from the days when WC member Allen Dulles denied the Zapruder film showed Kennedy moving backward in response to the final shot. Gone, too, are the days when it was proposed that the limousine suddenly lurched forward at the precise moment of the last shot and thus caused the President's fierce backward motion. We can also rest assured that CBS's Dan Rather will never again tell a nationwide audience, as he did the day after the assassination, that in the Zapruder film Kennedy's head is thrust *forward* by the final shot (although Rather might have been describing a hit on JFK's head that was later almost completely deleted from the Zapruder film--see below).

Now we are told the President was indeed rocketed violently backward but that this movement was caused by a neuromuscular reaction and/or by the jet effect. Of course, both of these theories assume the fatal head shot was fired from behind. There are serious problems with these theories. Neither is really credible. One expert told the HSCA that neuromuscular reactions normally do not begin for several minutes after the upper brain centers have been separated from the brain stem and the spinal cord, and such reactions do not resemble Kennedy's response to the fatal head shot. Former Rockefeller Foundation fellow Henry Hurt explained:

By 1975, when a copy of the Zapruder film was shown on national television, the violent rearward head-snap at last had to be given some official explanation. The HSCA addressed the question and heard expert testimony [from one questionable expert] that the motion of Kennedy's body could have been a neurological spasm. According to the Select Committee report, the expert concluded that "nerve damage from a bullet entering the President's head could have caused his back muscles to tighten which, in turn, could have caused his head to move toward the rear." A motion picture was shown of a goat being shot in the head, causing all the goat's muscles to go into a violent, involuntary spasm. Clearly, this does not appear to be what happened to Kennedy, whose whole appears to go limp as he is thrown backward. There is no splaying of his limbs, as in the shooting of the goat. (71:129-130).

Josiah Thompson notes that the neuromuscular-reaction theory conflicts with what is known about human reflex actions:

The extremely small time factor combined with the relatively large mass of the President's head would tend to rule out such an explanation. The fastest reflex action known to science--the startle response--takes place over an interval of 40 to 200 milliseconds. Beginning with an eyeblink in 40

milliseconds, the response wave moves the head forward in 83 milliseconds, and then continues downward reaching the knees in 200 milliseconds. The change in direction we observe [i.e., the change from the forward motion of JFK's head to the more violent rearward motion] occurs in 56 milliseconds (1/18th second), and involves not the negligible mass of an eyelid but the considerable mass of a human head moving forward under an acceleration of several g's. (59:93)

As for the jet-effect hypothesis, ballistics expert Larry Sturdivan gave testimony to the HSCA that tended to refute the theory, and he himself seemed to implicitly reject it. Among other things, Sturdivan pointed out that the right-frontal explosion seen in the Zapruder film would not have had sufficient force to rapidly propel JFK's upper body backward and to the left (1 HSCA 423). Furthermore, Sturdivan noted that whatever force was created by the right-frontal spray would have pushed Kennedy straight to the left, not backward and to the left. Some proponents of the jet-effect theory appeal to Newton's third law as support for the idea, but physics instructor Ken Degazio has refuted this suggestion (10:367-368).

Advocates of the jet-effect theory not only assume that the bullet came from behind, but also that no substantial amount of skull, if any at all, was blown out from the right rear part of the head. Yet, as we have seen, there is compelling eyewitness testimony, supported by the original Parkland Hospital reports, that there was a large, exit-type wound in the right rear area of Kennedy's head.

In 1988 3M's Comtal Corporation analyzed the fatal head shot in the Nix film. Comtal specializes in photographic analysis through computerized enhancements. Jack Anderson reported in his 1988 documentary *Who Murdered JFK?* that the Comtal study determined that "the fatal gunshot came from in front of the president's car . . . from the grassy knoll."

How does Posner explain the fact that the police officers who were riding to the left rear of the limousine were forcefully splattered with JFK's blood and brain tissue? He resorts to invention. He claims that in an "enhanced" version of the Zapruder film "the two officers drive right into the head spray, which actually shot up and to the front of the President" (6:316 n). The spray from the right frontal explosion blows mostly forward and also upward and toward Zapruder's camera, as Dr. Sturdivan noted during the HSCA hearings, and it dissipates very quickly. And, as will be discussed below, if a large amount of the spray had blown to the left side of the limousine, it would have plastered Mrs. Kennedy, but the Zapruder film clearly shows this did not occur.

As for the direction of the spray from Kennedy's head, much of it was blown backward, not just forward, indicating a shot from the front. Officer Hargis, riding just behind the limousine's left rear bumper, was splattered by blood and brain matter, and was struck so forcefully by a particulate matter that at first he thought he himself had been hit (Itek's experts acknowledged that this is the plain sense of Hargis's statements on the subject). Officer B. J. Martin, who was on Hargis's left, looked to his right after the first shots; later, he found blood stains on the *left* side of his helmet, as well as on his windshield. Only blood spraying from the rear of JFK's head could have reached all the way out to Officer Martin. There is also the fact that a piece of skull from the *rear* of the President's head was blown *backward and to the left* by the fatal head shot (5:13-15; 10:172; 18:316-317; cf. 18:530-533). There are indications that one skull fragment, known as the Harper fragment, was blown backward with such force that it flew at least ten feet before landing, although the FBI inexplicably failed to establish exactly where the fragment landed (14:32; 2:231). Dealey Plaza witness Charles Brehm, who was standing across the street from the grassy knoll, saw a piece of skull blown backward and to the left when the fatal shot struck the President (18:44, 96, 316, 331 n).

W. Anthony Marsh, citing the research of Dr. Luis Alvarez, argues that the Zapruder film shows that all of

the limousine's occupants were moving forward just before the final shot because the driver had suddenly slowed the car down (62). If so, then Kennedy's sudden backward movement beginning at frame 313 is even harder to attribute to a shot from behind.

Some scientists have stated that no bullet could have knocked Kennedy's head and the rest of his upper body so violently to the rear. Other experts dispute this assertion. Itek analyzed the Zapruder film and concluded the rearward motion of Kennedy's torso resulted from Mrs. Kennedy's pushing him backward in a startle reaction to the fatal head shot. This conclusion has been strongly challenged by many WC critics, and has not been generally accepted by Commission supporters either. However, if Itek's conclusion is correct, and if in fact no bullet could have caused the backward motion of JFK's upper body, then Itek's theory could explain the rearward motion of the torso, as well as the explosion on the right front part of Kennedy's head seen in the Zapruder film. That explosion, according to some wound ballistics experts, is typical of the *impact* of a high-velocity missile. Some experts now believe that the Zapruder film was edited within weeks of the assassination, that there were two head shots, and that the backward head snap was originally much slower and was actually the action of Jackie lifting her husband back up to look at him. This agrees somewhat with Itek's finding that Jackie was the cause of the backward head snap.

Recent research has uncovered evidence that the Zapruder film has been significantly altered, and that what we now see as one head shot is actually made up of remnants of two head shots that were combined into a single event. Not only were two head shots combined into one, say some researchers, but frames from the shot to the head from the front were removed, which made the rearward motion appear to be more rapid than it really was. Thus, in the original Zapruder film, the motion of Kennedy's upper body to the rear was slower, less dramatic.

As mentioned, Dan Rather, who viewed the Zapruder film the day after the shooting, said it showed Kennedy being knocked strongly forward. Other witnesses spoke of seeing the same thing. Livingstone says the following:

Why would the forgers remove the violent forward head movement? Because they had a film showing *two* major and separates shots to the head almost a second apart from different directions, and had to eliminate one of them. . . . The forgers compressed the two shots into one. (77:143, original emphasis)

Researchers have found other signs of tampering in the Zapruder film (e.g., 10:338-339, 361-366). In 1976 it was learned through recently declassified documents that the Zapruder film was diverted to the CIA's National Photographic Interpretation Center, probably on the night of assassination (10:369-370; 5:69). This might explain the tampering evident in the film. The signs of alteration include the fact that in key frames after the head shot the rear of JFK's head is blacked out. Also, a strange "blob" appears on the right side of Kennedy's head, about halfway between the right eye and the right ear, indicating a massive wound in the right frontal region. However, there is no such right-frontal damage in the autopsy photos.

Some WC critics have long wondered about the red mist that suddenly bursts out of Kennedy's head and then disappears in just a few frames. This red mist appears at the beginning of the frontal explosion which spews brain matter forward in Zapruder frames 313-318. The mist appears to disappear faster than is physically possible (77:131-133).

While the blob and the red-misty burst are questionable, the forward explosion and spray seem to indicate a shot from the front, according to some ballistics experts. During the A & E Network's *The Trial of Lee*

*Harvey Oswald*, defense attorney Gerry Spence noted that in frame 312, which was taken a split second before the fatal shot, Jackie Kennedy's face is in "the very proximity" of her husband's head, and that, therefore, if the shot came from behind the spraying brain matter should cover her face "almost totally." Yet, this is not the case. Furthermore, if, as Posner claims, the two patrolmen on the left side of the car drove into the spray, then a large amount of spray would have had to spew leftward from the President's head, and it would have virtually covered Mrs. Kennedy's face. But in the Zapruder film the spray does not do this. Another way the patrolmen could have driven into particulate matter would be if a substantial amount of spray from the right-frontal explosion veered leftward and remained airborne for a second or so. But this doesn't happen in the Zapruder film either.

The right-frontal explosion and the resulting spray, according to several experts, give the appearance of being the result of the impact of a high-velocity missile (see, for example, 80:17-19; 63:156, 237-239). In addition, there is a considerable amount of testimony indicating that a bullet struck the President in the right front part of the head. Secret Service agent Sam Kinney said he saw one shot "strike the President in the right side of the head. The President then fell to his left" (72:419). This, of course, was the fatal shot. Two other witnesses, Marilyn Sitzman and Bill Newman, were even more specific: They said it appeared to them as though a bullet struck JFK in the area of the right temple. In harmony with these accounts, White House aide Malcolm Kilduff told reporters at Parkland Hospital that the fatal bullet entered "the right temple," and he even pointed to his own right temple to illustrate his statement (18:330). Former Bethesda mortician Tom Robinson, who reassembled Kennedy's skull after the autopsy, has reported that he saw a small hole in one of the temples, and he believes it was in the right temple 10:580). He filled the hole with wax. Two doctors at Parkland Hospital spoke of an entry in the President's LEFT temple, and some researchers have suggested the doctors simply confused their left with Kennedy's left and were actually describing an entry in the right temple.

James Curtis Jenkins, a Navy med-tech who assisted with the autopsy, said, "I might have gone along with RIGHT temple" (63:691, original emphasis). Jenkins was then asked if there might have been an entry wound in the right temple, and he replied,

Yeah. And the opening and *the way the bone was damaged behind the head would have definitely been a type of exit wound*. The reason I have said this is I saw this before in other wounds and it was very striking. (63:692, original emphasis)

Jenkins added that there was some gray discoloration of the skull and skin in the right temple area that possibly could have been caused by lead (63:192).

### The Garrison Affair

It would take literally dozens of pages to respond to all of the distortions, omissions, and errors in Posner's treatment of Jim Garrison (6:423-452). Time only permits me to briefly summarize the Garrison affair and to answer a few of Posner's claims.

On March 1, 1967, New Orleans district attorney Jim Garrison arrested international businessman and New Orleans resident Clay Shaw on the charge of conspiring to assassinate President Kennedy. Essentially, Garrison claimed that Shaw had ties to the CIA and that he had participated in a CIA-connected plot to kill JFK. Garrison said one of Shaw's confederates was David Ferrie, an ultra-radical right-winger with CIA and Mafia connections. Two years later, the case went to court, and on February 28, 1969, the jury found Shaw not guilty. (Interestingly, the two alternate jurors voted *guilty*.)

The verdict was not surprising since Garrison's case had been devastated by one act of sabotage after another in the two years leading up to the trial. Some of Garrison's key witnesses either died suddenly under strange circumstances (e.g., David Ferrie) or were admittedly murdered (e.g., Eladio del Valle). Several important witnesses and potential suspects fled to other states and avoided Garrison's attempts to extradite them. The federal government refused to turn over important evidence relating to the assassination. The government also refused to serve Garrison's subpoenas on certain CIA and FBI officials. Garrison's office was infiltrated by people who were trying to help Shaw, some of whom were allegedly sent by the CIA or the FBI. In fact, the HSCA would later learn that the CIA had indeed planted people on Garrison's staff (61:239, 375). Most of the major American news media conducted an unrelenting smear campaign against Garrison and his investigation. Many of Garrison's files, including his witness list, were stolen and given to Shaw's defense team. And, the trial judge would not allow the presentation of a key piece of evidence that proved Shaw had used a highly suspicious alias.

But, according to Posner, Garrison had absolutely no case; it was all a giant fabrication. Posner paints Garrison as a power-hungry, unscrupulous tyrant who knowingly prosecuted an innocent man for personal gain. And what of Clay Shaw? Posner says he was just an ordinary businessman, a harmless poet and playwright, with no ties whatsoever to the CIA. Posner claims Shaw never used the alias Clay Bertrand. In fact, according to Posner, there was no such person. And as for David Ferrie, Posner insists there is no evidence that Shaw knew him.

As mentioned, it would take dozens of pages to adequately review Posner's attack on Garrison. What follows is a survey of some of Posner's errors and omissions.

\* Shaw sat on the boards of two secretive international companies that were suspected of having fascist leanings and intelligence connections. Both companies, Permindex and the Centro Mondiale Commerciale (CMC), were widely regarded as being fronts for the CIA. CMC was expelled from Italy and Switzerland for allegedly engaging in illegal political-espionage activities on behalf of the CIA. Permindex was publicly accused by French president Charles de Gaulle of channeling funds to the violent and outlawed Secret Army Organization, which tried to assassinate him on several occasions. One might wonder how Posner squares all of this with his picture of Shaw as the innocent playwright-businessman. He doesn't. He says nothing about Shaw's involvement with these two companies.

\* Posner claims Shaw had no CIA connections. But Shaw's lengthy association with the Agency was disclosed in a CIA document that was released in 1977. Between 1949 and 1956, Shaw filed thirty reports with the CIA. Three former intelligence agents have linked Shaw to the CIA; these same agents also maintain that Shaw conducted some of his intelligence activities in concert with Guy Bannister and David Ferrie, both of whom are strongly suspected of having participated in the framing of Oswald as the patsy (9:140, 385 n 22; 7:287; 5:500; 11:215-217). Former CIA director Richard Helms admitted under oath in 1979 that Shaw had been a CIA contact of the Domestic Contact Division (43:222-224). A CIA document released in 1993 and made available at the National Archives discloses that Shaw had a covert clearance for a top secret CIA project codenamed QKENCHANT (41:21). On a related note, a recent investigation into Shaw's British contacts revealed that a number of them had intelligence connections; moreover, there are indications that Shaw might have worked for the OSS, the World War II precursor of the CIA, and participated in the transfer of Nazi prisoners and war criminals to the West (57; 9:214-216).

\* Posner says there is no evidence that Shaw knew David Ferrie. Several witnesses told Garrison that Shaw and Ferrie knew each other. For example, Mr. and Mrs. Nicholas Tadin testified that Ferrie introduced Shaw to them and told them Shaw was a friend of his (9:204-205). Also, during his trial, Shaw admitted under

cross-examination that he knew Layton Martens and James Lewallen, both of whom were friends of Ferrie's; in fact, Martens was one of Ferrie's roommates (57:31).

\* Posner asserts that Shaw never used the alias Clay Bertrand. However, Posner does not explain why Shaw accepted mail addressed to a Clem Bertrand (9:196). Also ignored by Posner is the fact that a hostess at the VIP Room at the New Orleans Airport testified she had seen Shaw sign the guest register as "Clay Bertrand" (9:198; 19:282-283). Garrison's staff obtained the VIP Room's guest register and found the signature of a "Clay Bertrand." A handwriting expert from Boston, Mrs. Elizabeth McCarthy, was then asked to evaluate the guest-register signature in relation to Shaw's handwriting. She told the court, "It is my opinion that it is highly probable that Clay Shaw signed the signature" (19:282-283; 9:198).

Shaw's defense team produced their own handwriting expert, who disputed Mrs. McCarthy's conclusion. However, Shaw's lawyers were unable to refute the hostess's testimony. Shaw himself took the stand and denied using the alias Clay Bertrand; he also said he didn't know David Ferrie. Even the trial judge, Judge Edward Haggerty, later admitted he didn't believe Shaw. In a filmed interview broadcast in New Orleans in 1992, Haggerty said, "Shaw lied through his teeth," and added that Shaw did "a con job on the jury" (9:369 n 81).

Garrison said his investigators found three bartenders who reported that Shaw had been in their bars and had used the name Clay Bertrand. The bartenders, said Garrison, stated it was common knowledge in the seedy French Quarter in New Orleans that Clay Betrand was Clay Shaw. However, not one of the bartenders wanted to get involved and therefore would not "authorize the use of his name or even sign a statement to be kept confidential" (19:98).

Garrison did have one other witness to Shaw's use of the name Clay Betrand, a young man named William Morris. Morris said he met Shaw at the Masquerade Bar in the French Quarter. He reported that he was introduced to Shaw by a man named Gene Davis, and that Davis introduced Shaw as "Clay Bertrand." Morris became a friend of Shaw's, explained Garrison,

... not only visiting Shaw's apartment, but encountering him at one private party and, on occasion, again at the Masquerade Bar. Morris said that his tall friend was always referred to as Betrand. (19:99)

\* This brings us to the subject of the name Clay Bertrand. Why was Shaw's alleged use of this alias so hotly contested by the defense? Why is it still so strongly denied by Shaw's defenders? Because New Orleans attorney Dean Andrews told the FBI that shortly after the assassination a "Clay Bertrand" called him and asked him to defend Oswald. Later, under considerable pressure, Andrews claimed he had just imagined the whole thing. But then he repeated his story to Garrison and to one of Garrison's assistants, only to reverse himself again in subsequent interviews and during Shaw's trial. Posner, of course, accepts Andrews' repudiation of his initial FBI testimony. What Posner doesn't do is explain the fact that Andrews' original story was corroborated by three different people, two of whom worked in Andrews' office (9:129-130, 369-370 n 82).

\* Posner repeats charges against Garrison that were either proven false or never substantiated. For instance, Posner recites the erroneous attacks presented in NBC's 1967 anti-Garrison "White Paper" documentary. The program's producer was a vehement Garrison critic named Walter Sheridan. Some of the people interviewed for the documentary included Dean Andrews, two convicted burglars, and James Phelan, another Garrison opponent who had already attacked the district attorney in a national magazine. These men presented a long

list of charges against Garrison, from bribery to witness intimidation. However, when Garrison called these same individuals to testify in a real proceeding, under oath, so they could repeat their claims to a grand jury, Andrews was indicted for perjury; the two burglars took the Fifth Amendment against self-incrimination, were cited for contempt, and had time added to their sentences; Phelan refused to appear; and Sheridan left New Orleans.

\* In all seriousness, Posner suggests that Garrison's staff planted the typed suicide note that was found in Ferrie's apartment. (Actually, two typed suicide notes were found, though Posner mentions only one.) Posner bases this suggestion on a suspicion voiced by none other than Gordon Novel, a CIA contact whom Garrison sought to extradite. During the Watergate scandal, Novel, an electronics whiz, approached the White House and offered to help erase Richard Nixon's self-incriminating tapes (9:247; 5:508). Posner paints Novel as a victim of Garrison's alleged persecution and repeats a number of Novel's charges against him.

\* Posner says Ferrie's death was purely natural. He points out that the coroner ruled that Ferrie died of an aneurism (a broken blood vessel) in the brain, and that forensic pathologists confirmed this in 1992. But determining that someone died of a brain aneurism does not automatically prove that the individual died solely of natural causes. In any case, most conspiracy theorists do not believe Ferrie committed suicide either, but at the same time they doubt he died a purely natural death.

Ferrie was discovered lying naked on his sofa with a sheet pulled over his head. Two typed suicide notes were found in his apartment. There were several empty medicine bottles on the table next to Ferrie's body. One of the drugs found in the apartment was Ploroid, a drug designed to greatly increase a person's metabolism. Garrison learned that with Ferrie's hypertension Ploroid could have caused him to die from a brain aneurism without leaving a trace (9:152; 19:163-167). What would the hyperactive Ferrie have been doing with a drug like Ploroid anyway?

Garrison suspected, and many assassination researchers have long believed, that someone forced Ferrie to swallow medicine from the bottles found on the nearby table, perhaps including the Ploroid. Recently disclosed photos from Ferrie's autopsy lend credence to this belief. The photos, made public in 1992, show bruises on the inside of Ferrie's mouth and gums, which suggest his mouth was forced shut, "perhaps to make him swallow something against his will" (9:153).

The day before he died, Ferrie purchased 100 thyroid tablets. However, when his body was discovered, they were nowhere to be found in his apartment. Researcher Frank Minyard theorizes that the killers may have mixed the pills into a solution and then forced it down Ferrie's throat with a tube. In this regard, it is interesting to note that one of the contusions visible in the autopsy photos of Ferrie's mouth is on the inside of the lower lip "where the tube may have struck during a struggle" (9:360 n 17).

To fully comprehend the unfair and distorted nature of Posner's attack on Jim Garrison, I would invite the reader to compare Posner's chapter on him with James DiEugenio's book *Destiny Betrayed: JFK, Cuba, and the Garrison Case*. DiEugenio certainly takes Garrison to task for his mistakes, but he also shows that Garrison was on the right track. DiEugenio makes extensive use of the Shaw trial transcripts and offers new insights into the case from recent interviews with important witnesses and former members of Garrison's staff. Published in 1992, *Destiny Betrayed* is fully documented, with upwards of 1,000 notes and an extensive bibliography. Henry Hurt, Carl Oglesby, and Jim Marrs have also written worthwhile analyses of Garrison's investigation (71:261-307; 7:271-292; 5:494-515).

Oswald and David Ferrie

Posner knows it is crucial for his case that he prove that Oswald was not associated with David Ferrie, "since Ferrie had extensive anti-Castro Cuban contacts and also did some work for an attorney for Carlos Marcello. . . ." (6:142). After all, one would hardly expect the supposedly left-wing Oswald to be associating with the likes of David Ferrie. Not only was Ferrie reportedly a CIA contact, but he was heavily involved in CIA-backed anti-Castro operations and had close ties to right-wing Mafia kingfish Carlos Marcello. And Ferrie made no secret of his passionate hatred of Kennedy. On one occasion, Ferrie was heard to remark that Kennedy "ought to be shot" (28:174).

So a Ferrie-Oswald relationship poses serious problems for Posner. Posner probably wouldn't mind linking Oswald to someone who expressed violent sentiments against JFK (even though Oswald, by all accounts, thought highly of the President), but he doesn't dare connect Oswald to Ferrie, for if Oswald was the Castro-loving ultra-leftist that Posner says he was, why on earth would he have been associating with a rabid right-winger who had ties to the Mafia and the CIA?

Therefore, Posner asserts that there is "no credible evidence" that Oswald knew David Ferrie (6:148). Then what was Oswald doing with Ferrie's library card on the day of the assassination (28:213-217)? Why did Ferrie ask Oswald's former neighbors in New Orleans about Oswald's library card? Why did he visit Oswald's Dallas landlady to inquire about Oswald's library card? Posner does not address these issues.

Posner denies that Ferrie and Oswald knew each other in the New Orleans Civil Air Patrol (CAP) in 1955. He claims that CAP records show that Ferrie's 1955 CAP membership renewal request was rejected (6:143). But Ferrie formed his own CAP unit, and it was this unit to which Oswald belonged. Most of the CAP records for Ferrie's squadron were stolen in late 1960. However, HSCA investigators "established that Ferrie's service with the Air Patrol fitted with that of Oswald" (14:301-302). The Select Committee "also identified no fewer than six witnesses whose statements tended to confirm that Oswald had been present at Patrol meetings attended by Ferrie" (14:302; cf. 12:375-376). One witness told Committee investigators,

Oswald and Ferrie were in the unit together. I'm not saying that they may have been there together. I'm saying it's a certainty. (14:302)

In addition, a former CAP cadet told the FBI that after the assassination Ferrie visited him to see if any old squadron photos pictured him and Oswald together (14:301).

Posner dismisses the testimony of the witnesses in Clinton and Jackson, Louisiana, who said they saw Oswald and Ferrie together in the summer of 1963 (6:141-148). These highly credible witnesses included a state representative, a deputy sheriff, and a town registrar of voters. Posner's reasons for rejecting their testimony are strained and unconvincing. He even suggests that the witnesses never actually saw Oswald. Jim Garrison and his staff found the Clinton and Jackson witnesses to be credible (19:122-126). Years later, the House Select Committee interviewed these witnesses in executive session and concluded they were honest, sincere, and believable (12:193-194).

One of Ferrie's former roommates, Raymond Broshears, told author Dick Russell in 1975 that Ferrie and Oswald knew each other quite well. Among other things, Broshears said, "David told me Lee Harvey Oswald did not kill the President. He was very adamant about it, and I believed him. All the things he told me about Oswald, I doubt he could have shot a rabbit standing fifty feet away" (11:576).

What of the Ferrie-Oswald relationship? Jim Garrison believed, and many researchers agree, that Ferrie was involved in the New Orleans phase of the operation to frame Oswald as a pro- Castro, far-left activist.



Oswald, Guy Banister, and 544 Camp Street

Posner says Oswald had no connection to Guy Banister, and, therefore, had no reason to visit Banister's office at 544 Camp Street in New Orleans (6:137-142). This is another crucial point of contention, for Banister was a former FBI man with significant intelligence connections, and his 544 Camp Street office was a meeting place for anti-Castro militants, CIA and FBI agents, and organized crime figures (5:147-149, 235-237; 12:188-191; 19:27- 31).

Banister associate Jack Martin said he saw Oswald in Banister's office in the summer of 1963. Martin added that on at least one occasion Oswald went there with David Ferrie. Posner dismisses Banister's statements because he was a heavy drinker and because he allegedly told the FBI he had not seen Oswald in Banister's office (6:139). Additionally, Posner notes that the HSCA likewise rejected Martin's testimony. However, Martin was certainly in a position to witness the visits he claimed to have seen, and it was Martin who tipped off Jim Garrison's office to the fact that David Ferrie had made a suspicious trip to Texas on the night of the assassination.

When Martin first informed on Ferrie, he requested anonymity, but somehow his cover was blown after FBI agent Regis Kennedy interviewed him a short time later. This was the same Regis Kennedy who told the HSCA that from 1959 to 1963 Mafia kingfish Carlos Marcello was a legitimate businessman who had no links to organized crime (12:293).

Martin's testimony was corroborated on some key points by Banister's former secretary, Delphine Roberts. In 1978 Roberts told two separate interviewers, a reporter from the *Dallas Morning News* and then British journalist and author Anthony Summers, that Oswald had worked for Banister as an undercover agent in the summer of 1963 (5:148). She went much further in her interview with Summers. She told Summers that intelligence agents and law enforcement officers frequented Banister's office and that she learned from Banister that Oswald made more than one trip to Mexico City (14:294-296). In addition, Roberts said that when she spotted Oswald handing out his literature and asked Banister about it, he replied, "Don't worry. . . . He's with us. He's with the office" (14:295). According to Posner, Roberts, who is an avowed ultra-conservative, now says her statements to Summers were false and that she only made them for money (6:139- 141). However, there are reasons to question Mrs. Roberts' retraction:

\* She told the *Dallas Morning News*, on her own and without any promise of payment, that Oswald had worked for Banister in the summer of 1963, and she told her story to Summers before he said anything about money (41:20). Moreover, in 1982 she told former Rockefeller Foundation fellow Henry Hurt that Summers' published account of his interview with her was accurate (71:292).

\* Her claim that Banister told her that Oswald had visited Mexico City more than once rings true, for there is now evidence that suggests an earlier Oswald trip to the Mexican capital (e.g., 11:370).

\* Her statements about an Oswald-Banister connection were supported by another former Banister associate, Ivan Nitschke, who reported in 1978 that Banister became "interested in Oswald" in the summer of 1963 (11:396; 14:296).

\* Her claim that Banister told her not to worry about Oswald's pro-Castro pamphleteering received some support from one of Banister's former informants, Allen Campbell. Among other things, Campbell told Garrison staffers that when somebody in Banister's office informed Banister of Oswald's pro-Castro demonstration in front of Clay Shaw's International Trade Mart, he merely laughed, much to Allen's surprise

(14:293). Another former Banister informant, Daniel Campbell (Allen Campbell's brother), said he saw Oswald use a phone in one of Banister's Camp Street offices (14:293). "In separate ways," says Hurt, the Campbell brothers "both recalled Oswald's association with Banister" (71:292).

That Oswald was connected to Banister's office would seem to be proven by the fact that the address 544 Camp Street was stamped on some of the pro-Castro pamphlets he distributed in New Orleans in August 1963. Not according to Posner. "There are," says Posner, "several nonsinister explanations" (6:141). Posner seems to favor the idea that Oswald put the address on the leaflets to embarrass Banister, the extreme right wing, and the city's anti-Castro militants (6:142). But this theory ignores the other evidence of an Oswald-Banister connection, and it fails to account for the reports that copies of one of Oswald's pro- Castro leaflets were found in Banister's files after he died (12:190). In addition, the Oswald leaflets recovered in New Orleans were not the only ones that were found. Twenty copies of Oswald's Fair Play for Cuba pamphlets were discovered among his possessions in Dallas, and ten of them were stamped with the 544 Camp Street address (14:288).

Oswald's pamphleteering becomes even more significant in light of recent information about one of the pamphlets he was distributing. In the third week of August 1963, Oswald was handing out a pro-Castro pamphlet entitled *The Crime Against Cuba*. The booklet was written in June 1961 by noted peace activist Corliss Lamont. By December of that year, the pamphlet was already in its fourth printing. Interestingly enough, the copy that Oswald was handing out was not the latest edition, but the first edition, *which sold out when he was in the Soviet Union* (9:219). So how did Oswald obtain that edition? The answer may lie in a recently discovered photocopy of a June 1961 invoice which shows an order for forty-five copies of the first edition. *The order was placed by the CIA*. A copy of the invoice can be seen on page 219 of James DiEugenio's book *Destiny Betrayed*. In the "Furnish Supplies or Services To" and "Seller's Invoice Sent To" blocks, appears the following entry:

Central Intelligence Agency  
Mailroom Library  
Washington 25, D.C.

In the "Ordered By" block appear the words "Chief, Acquisitions Branch." Did Oswald obtain his copies of the sold-out edition indirectly from the CIA? To put it another way, were the copies of this edition that Oswald distributed supplied to those who sent them to Oswald?

Additional proof of an Oswald-Banister connection is the evidence linking Oswald to David Ferrie. But Posner doesn't deal with this link because he denies that Oswald and Ferrie knew each other.

Summers concludes, "The new information now available suggests Banister drew Oswald into an American intelligence scheme, perhaps aimed at compromising the Fair Play for Cuba Committee" (14:290). Other researchers believe Banister's principal purpose in working with Oswald was to "sheepdip" him (i.e., to establish a reputation for him) as a pro-Castro activist as part of an operation to make him the scapegoat for the assassination.

### No Oswald Impersonations?

Posner goes to the extreme of claiming there were no Oswald impersonations whatsoever (6:174-196, 211 n, 213-214). However, not only does Posner offer weak reasons for rejecting the impersonation accounts, but he does not even deal with all of them. For example, Posner says nothing about the incident in which a

phony Oswald trespassed onto private property, engaged in target practice, and then left behind a 6.5 mm shell (5:545).

Posner also ignores the account of Leonard Hutchinson. After the assassination, Hutchinson, who owned a grocery store in Irving, Texas, said he had been asked to cash a two-party check in the amount of \$189 for a "Harvey Oswald" on November 8. A nearby barber said he saw a man resembling Oswald enter Hutchinson's store that day (15:258-259). But the real Oswald was elsewhere on November 8 (15:259). Hutchinson said he saw the man in his store several other times, and that on one occasion the man was accompanied by a young woman who conversed with the phony Oswald in a foreign language (5:541). Hutchinson recognized the couple from photographs of Lee and Marina Oswald that were broadcast over TV after the assassination. It is doubtful the real Lee and Marina Oswald were ever in Hutchinson's store. Incidentally, this is not the only reported case of someone impersonating Marina either (5:544).

Other Oswald impersonations ignored by Posner include the following:

- \* On October 11, 1963, when the real Oswald was in Dallas, someone in New Orleans filed a change-of-address card in Oswald's name to forward his mail to a house in Dallas. The card is signed in Oswald's name but the signature is not in his handwriting (14:375).

- \* Two weeks before the assassination, a phony Oswald asked about a job as a parking attendant at the Southland Hotel in downtown Dallas. When the parking lot manager wrote the applicant's name down as "Lee Harvey Osborn," the man corrected it to "Oswald." The real Oswald, observes Summers, "did not usually spell out his full name but called himself simply 'Lee Oswald'" (14:378). The imposter then asked a strange question that would later have sinister significance: He wanted to know how high the hotel was and whether it provided a good view of Dallas (14:378).

- \* On November 1, 1963, a Cuban man entered a gift shop in Dade County, Florida, and told an employee there that he had a friend named Lee who could speak Russian and German. The man added that his friend Lee lived in Texas or Mexico and "was also a sharpshooter" (11:538).

- \* On July 26, 1963, when the real Oswald was in New Orleans, someone visited the Atomic Energy Museum in Oak Ridge, Tennessee, and signed the register "Lee H. Oswald, USSR, Dallas Road, Dallas, Texas" (11:361). The imposter's intention, of course, was to make it seem as though Oswald thought of himself as a Soviet citizen.

Now let us examine the impersonation accounts that Posner rejects. Posner dismisses the story of Albert Bogard, the car salesman who said a man named "Oswald" test drove a car shortly before the assassination. Bogard testified to the WC that a man who introduced himself as "Lee Oswald" expressed an interest in buying a car and even went for a test drive during which he drove 60 to 70 miles an hour on the Stemmons Freeway. The real Oswald did not drive. According to Bogard, when they returned to the dealership, "Oswald" said he didn't have enough money for a down payment but that he'd be coming into a lot of money very soon. Another salesman at the dealership, Eugene Wilson, said the phony Oswald remarked that he could get a better deal by going back to Russia "where they treat workers like men" (2:132).

Posner says none of Bogard's fellow workers supported his story (6:211 n). This is not true. Bogard's account was supported by two other salesmen, Wilson and Frank Pizzo (5:542; 14:377). Posner notes that the dealership's manager denied Bogard's story and later fired him for telling it. Posner prefers to believe the manager rather than Bogard and the other two car salesmen. Even after he was fired, Bogard did not deny his

account. Furthermore, Bogard submitted to an FBI lie detector test. The FBI grudgingly acknowledged that the polygraph results "were those normally expected of a person telling the truth" (15:260).

Although he claims that no one at the dealership supported Bogard's story, Posner does admit that one salesman (Wilson) remembered a five-foot-tall Oswald. Actually, both Rizzo and Wilson said the imposter was only about five feet tall (2:190). Posner cites only half of this corroborating testimony, and he rejects this impersonation because the Oswald imposter was several inches shorter than the real Oswald.

Posner dismisses the accounts of a phony Oswald firing at two rifle ranges in Dallas and Irving in early November (6:213-214). For the most part, Posner nit-picks at minor inconsistencies, seeing great significance in the fact that the witnesses disagreed about the exact model and color of the car the man drove and the kind of rifle and scope he used. Dr. Homer Wood and his son, Sterling Wood, remembered the man and were shocked when they saw photos of Oswald on TV after the assassination. So closely did the imposter resemble the alleged assassin that both Dr. Wood and his son are still convinced the man they saw was Lee Harvey Oswald (5:545). However, the real Oswald never visited the two rifle ranges.

Posner notes that one of the witnesses, Malcolm Price, said the last time he saw "Oswald" at the Dallas range was during a turkey shoot on the Sunday before Thanksgiving, which was after Oswald had been arrested. But what if the man Price saw was an imposter? What would have prevented him from returning to the range after the assassination? There is also the possibility that Price was simply mistaken about the date and merged the phony Oswald's last appearance with the turkey shoot.

Posner strongly questions the credibility of Sylvia Odio, who reported a very specific and disturbing Oswald impersonation involving anti-Castro Cubans (6:175-180). Posner paints her as an emotionally unstable woman who either imagined her story or made it up to get attention. Posner's attack, however, is both slanted and incomplete. The available evidence supports Mrs. Odio's story. A senior WC staffer wrote, "Mrs. Odio has checked out thoroughly," and called her "the most significant witness linking Oswald to the anti-Castro Cubans" (14:389-390). The House Select Committee examined Mrs. Odio's story and also concluded it was credible (11:480). Similarly, British scholar Matthew Smith studied the relevant evidence and came away convinced that Mrs. Odio was reliable (15:257-259).

Posner seeks to exploit the fact that Mrs. Odio did not tell her story to the authorities right away. Yet, as Posner surely ought to know, Mrs. Odio was afraid to go to the authorities. In fact, she did not discuss her experience with official investigators until the FBI approached her after a series of private conversations about it came to the attention of an FBI agent. Only after the FBI contacted her did she discuss her story with government representatives.

Incredibly, as part of his attack on Mrs. Odio, Posner quotes Carlos Bringuier. This is the same Carlos Bringuier who, in 1963, was a CIA contact in New Orleans, a fanatical right-wing Cuban exile, and the propaganda secretary for the CIA-sponsored Cuban Revolutionary Council (11:389-390). (Posner describes Bringuier merely as an "anti-Castro leader.") It was Bringuier who picked that suspicious "fight" with Oswald in New Orleans. Bringuier's original anti-Castro headquarters was located in Guy Banister's building on 544 Camp Street. Oddly enough, this address appeared on one of Oswald's Fair Play for Cuba leaflets. Many assassination researchers suspect Bringuier and Banister of having participated in the framing of Oswald as the patsy for the assassination.

Since so much has already been written about Mrs. Odio's testimony, I will not respond to all of Posner's criticisms of it. However, I would invite the reader to compare Posner's case against Mrs. Odio's story with

the defenses of it written by Anthony Summers, Jim Marrs, Dick Russell, and Gaeton Fonzi (14:383-393; 5:150-152; 11:478-483; 61:108-116, 405-409).

Posner says all of the reported contacts with Oswald in Mexico City were with the real Lee Harvey Oswald (6:170-173, 181-196). This is not a credible position in light of the evidence. There are gaping holes in Posner's reconstruction of Oswald's alleged activities in Mexico City. Here are a few of the irregularities about the visit that Posner does not mention at all:

- \* Oswald's alleged bus tickets were found only a few days before the Warren Report was to be published. The tickets were supposedly found in some Spanish-language magazines that Oswald had allegedly brought back from Mexico City. As the story goes, Marina Oswald reportedly took these magazines with her to the hotel where the government detained her after the assassination. There, at the last minute, Marina found the tickets in one of the magazines. No one has yet explained why Marina would have taken Spanish magazines with her when she did not even speak the language. Nor has anyone explained why it took so long to "find" the tickets. FBI had agents had already carefully searched the motel rooms where Marina and her children were being kept. The agents said they had examined every scrap of paper in the rooms and found nothing of interest (43:66). The rooms were searched again by a different team of agents. They didn't find the tickets either. It was only after the WC seemed to get suspicious about the lack of hard evidence of Oswald's Mexico City trip that the tickets miraculously turned up.

- \* Every name in the September 27 register of the hotel where Oswald allegedly stayed is in the same handwriting except Oswald's (9:264). The WC tried to explain this by claiming that on the first night a guest would write his or her own name but that on succeeding nights the hotel clerk wrote them in. "Yet," observes James DiEugenio, "eight other guests checked in on September 27, and, on the register for September 28, Oswald's name is again in a unique handwriting. To make it more curious, the handwriting is not the same as that of the signature [from] the previous day" (9:264).

- \* Posner, following the WC, says Oswald returned to Dallas by bus on October 3 (6:196). But the Mexican border records for October 3 do not show Oswald heading for Dallas by bus, but for New Orleans by car (9:264).

- \* Oswald allegedly traveled on the Flecha Roja bus line. This bus line normally kept a passenger manifest for each of its runs. The original was sent to Mexico City and a duplicate copy was retained at Nuevo Laredo. However, four months after the assassination, when the FBI went to Mexico City to examine the original passenger list, they were told that Mexican government investigators had taken the list and had not returned it (9:264). These unnamed "investigators," the FBI was told, had also taken the duplicate. Neither the original nor the duplicate was ever located.

For years lone-gunman theorists have avoided dealing with two troubling facts concerning the impersonation issue: One, the CIA told the WC it had a tape of Oswald calling the Soviet and Cuban embassies in Mexico City, but FBI agents listened to the tape and concluded the voice on it was not Oswald's. Two, the CIA claimed it had pictures which showed Oswald outside the Soviet Embassy, but when the pictures subsequently came to light it was clear the man in them bore no resemblance to Oswald. Posner tackles these difficulties head-on. In essence, he says they were the results of innocent mistakes on the part of the CIA (6:185-188). The CIA, says Posner, accidentally identified the wrong photos and inadvertently gave the FBI the wrong tape. In addition, Posner, quoting an anonymous CIA officer, suggests the CIA might have routinely destroyed its recording of Oswald's alleged call to the Soviet Embassy.

Let's consider the scenario Posner would have us accept: The President of the United States had been assassinated. Shortly thereafter, the CIA was asked to assist the WC in its investigation. The CIA then claimed it had photographic and audio evidence that Oswald, the alleged assassin, phoned and visited the Soviet and Cuban embassies. A short while later, the Agency said that while at the Soviet Embassy Oswald spoke with a KGB expert in sabotage and assassination. However, the CIA, in the most important investigation of the century, somehow had the wrong photos and the wrong tape. To make matters worse, the Agency might have sent the wrong tape because it had mistakenly erased the real one. This is what Posner would have us believe.

It should be pointed out that the CIA never actually showed the pictures to the WC; they surfaced years later and are clearly NOT of Oswald. On January 24, 1964, the CIA told the WC that Oswald had met with Valery Kostikov at the Soviet Embassy. The Agency said Kostikov was a KGB agent involved in assassination and sabotage. The Commission was so frightened by this information that it decided to simply take the CIA's word about Oswald's Mexico City activities. FBI agents examined the pictures and listened to the tape and knew they were not of Oswald, but the Bureau did not inform the Commission of this fact.

New information bearing on this issue comes from files recently released by the Assassination Records Review Board. Among the released files is the transcript of an 11/23/63 telephone conversation between J. Edgar Hoover and Lyndon Johnson. During this conversation, the following exchange occurred:

JOHNSON. Have you established any more about the [Oswald] visit to the Soviet Embassy in Mexico in September?

HOOVER. No, that's one angle that's very confusing for this reason. We have up here the tape and the photograph of the man who was at the Soviet Embassy, using Oswald's name. That picture and the tape do not correspond to this man's voice, nor to his appearance. In other words, it appears that there is a second person who was at the Soviet Embassy. (80:353-354)

Posner claims that two employees at the Cuban Embassy, Sylvia Duran and Alfredo Mirabel Diaz, positively identified Oswald as the man they had seen (6:188-191). Diaz, however, admitted he only saw the man briefly (14:349). And Sylvia Duran said in 1978 that she was no longer certain that Oswald was the person who visited the embassy (14:350-351; 5:193-195). Also, Duran's initial identification of the visitor as Oswald was made under extreme duress (5:193-195; 43:58-60). Furthermore, the embassy consul at that time, Eusebio Azcue, told the HSCA that the troublesome visitor was blond and gaunt and about thirty-five years old (14:346-351). Duran, like Azcue, recalled that the visitor had blond hair. Posner points out that Azcue also told the Select Committee he would assume he had been imagining things if it turned out that the signatures on the visa application were verified as Oswald's (6:188 n). But did Azcue really believe this, or was he simply trying to avoid a confrontation with the Committee over the issue? Earlier in his testimony Azcue insisted that the man he saw "*in no way resembled*" Oswald. Azcue also noted that film of the real Oswald showed a young man with a youthful face. This, said Azcue, was "*in radical contrast to the deeply lined face*" of the man who came to obtain a visa. When Committee investigators showed Azcue photographs of Oswald, Azcue replied, "My belief is that this gentleman was not, is not, the person or the individual who went to the consulate."

What about the Oswald photos and the signatures on the visa application? Consul Azcue pointed out that the clerk could have allowed the visitor to take the visa application out of the embassy, thus providing an opportunity to obtain the real Oswald's signature. Or, the signatures could have been expertly faked. After the assassination, researchers found a photocopy of Oswald's Social Security card on which someone

appears to have been practicing how to sign Oswald's signature (11:392). As for the Oswald pictures on the application, intensive research after the assassination revealed that they were NOT made at any of the local photo shops (14:349). If the imposter was allowed to take the application out of the embassy, he could have simply attached Oswald's pictures to it. Posner argues that the visitor must have been Oswald or else the clerk would have noticed that the photos did not match the applicant. But Consul Azcue said the clerk might not have checked the pictures against the individual who was applying, explaining that "occupied as she was, she most probably proceeded to place the photograph on the application without this check" (14:349). Fonzi raises the possibility that the pictures and the signed application were planted by the CIA agents who worked at the embassy (61:293-294).

It seems obvious that the CIA never had any proof that Oswald visited the Soviet and Cuban embassies. If the Agency had possessed photographic and/or audio evidence that Oswald made these alleged visits, one would think it would have been more than willing to display this material to the WC..

Former Army Intelligence officer John Newman has observed that the now-declassified Lopez Report on Oswald's Mexico City activities contains persuasive evidence that an Oswald imposter called the Soviet Embassy from the Cuban Embassy on September 28, 1963 (80:352-419). Newman presents compelling evidence that the "Oswald" who called the Soviet Embassy from the Cuban Embassy on the afternoon of September 28 was an imposter (80:362-369, 405-413).

When the fake Oswald called the Soviet Embassy, there was a woman standing beside him, and this woman spoke during the conversation. She was later identified as none other than Sylvia Duran, though it was never clear how this identification was made. Newman argues that the woman was an imposter, noting that Duran herself emphatically denied calling the Soviet Embassy on that date (80:362-369, 405, 413).

Garrison had this to say about Oswald's purported activities in Mexico City:

Early in the official inquiry [the WC inquiry], the CIA informed the Warren Commission of Oswald's alleged activities in Mexico City before the assassination. Uncharacteristically, the Commission asked for more evidence. Perhaps the Commission members, aware that the Agency had 24-hour photographic surveillance of the Cuban and Soviet embassies in Mexico City, were hoping for a good picture to shore up their sparsely documented account of Oswald's trip to Mexico.

Initially, the Agency ignored the Commission's request. But after more pressure, the CIA finally handed over a murky snapshot of a portly, greying gentleman almost old enough to be Oswald's father. This, the Agency claimed, was Lee Oswald at the Cuban Embassy.

The Agency also produced a statement from Silvia Duran, a Mexican who worked at the Cuban Embassy, alleging that Oswald had appeared there. However, the circumstances under which the statement was obtained were tainted, to say the least. On the day after the assassination, the CIA ordered Mexican authorities to arrest Duran and keep her in isolation. The Agency cable said: "With full regard for Mexican interests, request you ensure that her arrest is kept absolutely secret, that no information from her is published or leaked, that all such info is cabled to us. . . ." Duran was not released until she identified Lee Oswald as the visitor to the Cuban Embassy. After her release, the CIA ordered her jailed again. These circumstances were not known to the Commission. Moreover, in 1978 Duran told author Anthony Summers that the man who came to the embassy was blond and about her own height (five feet three)--hardly Oswald.

The Commission did not question the Cuban Consul, Eusebio Azcue, even though he had three angry confrontations with "Oswald." But the House Select Committee on Assassinations did. When Azcue was shown photographs of Lee Oswald, he stated that the young man who visited the embassy was blond and was not the man in the photographs. Nor, said Azcue, was he the man he saw Jack Ruby shoot on television only two months after his face-to-face confrontation with "Oswald."

The allegation that Oswald had been phoning and showing up at the Soviet Embassy did not hold up too well either. There were no photos, and when the Commission asked to hear tape recordings of Oswald's calls, the Agency claimed in one case that surveillance was suspended and in another that equipment was not working. However, the tapes survived long enough for FBI agents who were present during the infamous 12-hour post-assassination questioning of Oswald to hear them. These agents, according to an FBI memo dated November 23, 1963, and obtained under the Freedom of Information Act, were "of the opinion that the above-referred-to individual [the one on the Soviet Embassy tapes] was *not* Lee Harvey Oswald." (19:73-74, emphasis added)

The Oswald imposter issue becomes even more troubling in light of the fact that questions about Oswald's identity surfaced well *before* the assassination. In June 1960, FBI director J. Edgar Hoover asked the State Department for any current information it might receive on Oswald "since there is a possibility that an imposter is using Oswald's birth certificate" (5:539). In March 1961, the Passport Office informed the State Department, ". . . it has been stated that there is an imposter using Oswald's identification data and that no doubt the Soviets would love to get hold of his valid passport. . . ." (5:539).

### Suspicious Deaths

Posner, in a downright bizarre appendix entitled "The Non- Mysterious 'Mystery Deaths,'" denies there has been any sort of organized effort to eliminate witnesses (6:483-499). Posner's list of "non-mysterious deaths" is noticeably incomplete, and some of the deaths he lists as suicides or accidents were clearly neither. Moreover, Posner does not mention the fact that both of the two major official investigations into the assassination were accompanied by an outbreak of witness deaths. Even in Posner's incomplete list of 48 "unnatural deaths" as of 1977, there are 14 murders. What are the odds that 14 out of 48 witnesses to a crime would be murdered in the succeeding 14 years?

For those who would like to learn more about the disturbing pattern of witness elimination in the JFK assassination, I would refer them to the research of Jim Marrs, David Scheim, and Matthew Smith, although other authors have also written useful analyses on the subject (5:555-66; 25:39-49; 15:169-178).

### Posner on Carlos Marcello and Santos Trafficante

Many researchers believe Carlos Marcello was involved in the JFK assassination conspiracy. Marcello was furious at the Kennedys because of their anti-Mafia campaign. Prior to the assassination, witnesses heard Marcello make threatening remarks against President Kennedy. In September 1962, an FBI informant heard Marcello remark that if he had Kennedy killed, he would frame an individual not connected to the Marcello organization so the police would immediately apprehend this person for the murder (28:121-123). Marcello added that he had already thought of a way to frame a "nut" to take the blame (28:122). Furthermore, in the weeks leading up to the President's murder, Marcello met often with David Ferrie. During this same period, Marcello lieutenants were in contact with Jack Ruby. It is worth noting that Marcello had supported the CIA's anti-Castro efforts.



The witness who reported on Marcello's statement about framing a "nut" was FBI informant Edward Becker. Posner expresses the view that Marcello would not have been so frank with someone he didn't know well (6:460). Becker himself has answered this objection:

First of all, I wasn't a stranger. I was with Roppolo, who was practically a member of the family. The Marcellos and the Roppolos had grown up together. . . . So being with Roppolo meant I was OK. Also, Carlos soon learned we knew a lot of the same people in Vegas. He even checked me out with them. And I'd already met with Carlos a couple of times before the meeting at Churchill Farms. . . . Everybody who's dealt with Carlos knows how boastful he gets when he's had a few [drinks]. (28:233)

Posner points that Carl Roppolo "denied Marcello ever said anything like that, and was not even sure there was a meeting with Becker" (6:460). What Posner doesn't tell us is that Roppolo was a close personal friend of Marcello's and had connections to his crime organization. Roppolo's wife worked for Marcello.

Posner says the Select Committee concluded that Becker had a "questionable reputation for honesty and may not be a credible source of information" (6:460). In point of fact, the Select Committee, observes John Davis, "interviewed Edward Becker and found him to be a credible witness" (28:236). The former chief counsel for the Committee, G. Robert Blakey, confirms this fact:

In our effort to evaluate the story, we found that Becker, a former public relations man for the Riviera Hotel in Las Vegas, had been involved in shady transactions with Max Field, a criminal associate of Joseph Sica, a prominent mob figure in Los Angeles. Such an association, we believed, helped explain Becker's presence at a meeting with Marcello. Next, we talked to Julian Blodgett, a former FBI agent and chief investigator in the Los Angeles district attorney's office who, as a private investigator in 1962, had employed Becker on occasion. Blodgett conceded that Becker was "a controversial guy," but he believed his account of the meeting with Marcello. We were able to obtain substantial corroboration for Becker's presence in the New Orleans area in September 1962, and we learned that he had said he went to Churchill Farms with a longtime friend, Carlos Roppolo of Shreveport, to discuss a promotional scheme with Marcello. . . . Finally, [Ed] Reid [an expert on organized crime] told us he believed Becker's account, since he had obtained trustworthy information from him on other occasions. (12:280; cf. 25:76-77).

Becker said Marcello issued one of the threats against Kennedy in Sicilian. Posner quotes a former New Orleans police intelligence chief who knew Marcello to the effect that Marcello speaks little if any Sicilian (6:461). But surely Posner has read enough about Marcello to know that his parents were Sicilian. Moreover, the threat Marcello directed against Kennedy ("Take the stone out of my shoe") is a common Sicilian curse which expresses a desire to see harm come to the person being cursed, and Marcello certainly had had enough exposure to Sicilian culture to have picked up the saying.

Marcello's threat against Kennedy was similar to the one reportedly voiced by fellow mobster Santos Trafficante. In September 1962, the same month Becker heard Marcello threaten JFK, Trafficante was said to have told Jose Aleman, ". . . this man Kennedy is in trouble and he will get what is coming to him." Aleman, a prominent member of the Cuban exile community in Miami, disagreed and said Kennedy would probably get reelected. To this Trafficante responded, "You don't understand me. Kennedy's not going to make it to the election. He's going to be hit" (5:170). Trafficante, of course, didn't know that Aleman was an FBI informant. Aleman reported what he had heard to the FBI, but his report was ignored. He repeated his allegation to the *Washington Post* in 1976 and to HSCA staffers in March 1977 (12:280). However, when he appeared in public session in 1978, he began to waffle, saying he had understood Trafficante to mean that Kennedy was going to be "hit by a lot of votes" in the 1964 election. To all but the blind, it was obvious that

Aleman changed his story because he was frightened. He indicated to the Select Committee that he feared for his life, and he requested the protection of U.S. marshals while he was in Washington.

Posner rejects Aleman's story because the FBI said it had no record of Aleman's report and because Aleman watered down his account in public testimony before the HSCA (6:459-460). Given the FBI's track record on assassination evidence, it comes as no surprise that the Bureau failed to find Aleman's report. As for Aleman's public testimony, Posner does not mention that Aleman feared for his life. Posner is also silent about the fact that Aleman repeated his report to HSCA staffers in 1977.

Former HSCA investigator Fonzi suggests that Aleman fabricated his story to implicate the Mob at the behest of the CIA (61:256- 257 n). Fonzi notes that one of Aleman's closest associates was Watergate burglar Eugenio Martinez, a shadowy anti-Castroite who was still on the CIA's payroll when he committed the Watergate break-in. Fonzi believes that Aleman was known as an FBI informant and that therefore Trafficante would not have mentioned a coming hit on Kennedy in Aleman's presence. On the other hand, Aleman's behavior after testifying before the HSCA tends to indicate he was telling the truth. His family reported that he continued to fear for his life after the Select Committee's hearings were over, and that he was convinced that his HSCA testimony against Trafficante had caused his financial ruin (28:445-447). If Fonzi is correct, the Aleman story could represent a CIA disinformation effort to blame the Mafia for Kennedy's death.

### The Case of Joseph Milteer

On November 9, 1963, a wealthy, well-connected right-wing extremist named Joseph Milteer unknowingly told a Miami police informant that the assassination of JFK was already "in the works" (or "in the working") (5:265; 14:404). Milteer said the best way to kill Kennedy would be "from an office building with a high-powered rifle" (14:404; 5:265). The informant, William Somerset, captured Milteer's comments on tape. The tape is played and discussed in the A&E Network's documentary *The Men Who Killed Kennedy* (originally produced in Britain by Nigel Turner).

On the day of the assassination, Milteer phoned Somerset from Dallas and said Kennedy was due there shortly. Milteer added that Kennedy would never be seen in Miami again (5:265).

After the assassination, the Miami police informant had another meeting with Milteer, during which Milteer boasted, "Everything ran true to form. I guess you thought I was kidding when I said he would be killed from a window with a high-powered rifle. . . . I don't do any guessing" (5:265). Milteer said not to worry about the capture of Oswald, "because he doesn't know anything" (5:265).

Who was Joseph Milteer? Milteer, a man of considerable wealth, belonged to a number of radical and racist groups. He was a regional director of the fanatical Constitution Party [not to be confused with the modern Constitution Party]. In addition, he held membership in the White Citizens' Council of Atlanta and in the National States Rights Party, which had close links with the anti-Castro movement (14:405).

In his post-assassination conversation with informant Somerset, Milteer described himself as part of an "international underground" which had used Oswald as a dupe to put the blame on the Communists (11:551-553, 706-707).

As mentioned, Milteer called informant Somerset from Dallas on the day of the assassination. What was Milteer doing in Dallas on November 22, of all days? Was he there to watch the President's death?

Photographic analyst Robert Groden has identified Milteer in photographs from Dealey Plaza. Groden first presented this evidence to the HSCA, but the Committee was reluctant to accept it and in fact set out to disprove Milteer's presence in the films. The Committee's film experts claimed that the man in the photos could not be Milteer because he was too short. "In fact," notes DiEugenio, the Committee's "faulty mathematical premises, as later disclosed, made everyone seem shorter than they were" (9:231). In their book *High Treason*, Groden and Harrison Livingstone present photographic comparisons of Milteer with the man in the Dealey Plaza pictures (see the eleventh page of the third set of black-and-white photos therein). (A comparison can also be found in Groden's more recent book *The Killing of a President*.) I agree with those who see a rather striking resemblance between Milteer and the man pictured in Dealey Plaza.

Posner has precious little to say about the Milteer case. Posner blandly notes that Milteer said Kennedy "would be killed," and claims that photo analysts for the Select Committee "proved" Milteer did not appear in any Dealey Plaza pictures (6:498). Posner calls Milteer's November 9 assassination prediction a "boastful claim" and says "there is no link between Milteer and the events in Dallas" (6:498).

### Richard Case Nagell: Valuable Witness or Nut?

For several years, Richard Case Nagell was a military intelligence agent. He also worked for the CIA at times. He was assigned to penetrate Soviet intelligence. Nagell knew Oswald and at one point was assigned to follow him. Nagell has considerable knowledge of the plot that killed JFK. However, Nagell refuses to go public with all he knows until he is granted immunity from prosecution for his activities as an intelligence agent.

A thorough, well-documented presentation of what Nagell has been willing to disclose so far can be found in Dick Russell's 1992 book, *The Man Who Knew Too Much*. Russell discusses Nagell's career in U.S. intelligence and carefully examines what he has said about the assassination. Russell corroborates much of Nagell's remarkable story through other witnesses and declassified documents.

Posner paints Nagell as unreliable and mentally unstable. Posner observes that when Nagell offered his help to Jim Garrison, he was "confined to the psychiatric section of the federal prison in Springfield, Missouri" (6:445). But Posner says nothing about how Nagell was railroaded into that situation. Nor does Posner deal with the overwhelming evidence that Nagell was perfectly sane.

Posner says that Garrison investigator William Martin found Nagell "unreliable," and that Nagell then "complained that Martin was part of the CIA plot against him" (6:445). Posner is not telling us the whole story. In Martin's first memorandum about Nagell, he said,

[Nagell] is an extremely articulate and well spoken individual who seems to have full command of his senses and total recall of his activities and constantly mentions dates, times, and places that pertain to matters concerning this investigation. (11:423)

Later, however, Martin allegedly began to behave suspiciously. He reportedly let slip to Nagell that he used to work for the CIA. His subsequent memorandums to Garrison about his visits with Nagell "contained some damaging and, according to Nagell, blatant disinformation" (11:643-644). Nagell gave Martin several important documents which Martin was supposed to copy for Nagell's sister and for researcher Arthur Greenstein. Martin took an unusually long time to do so. When Nagell asked about the excessive delay, Martin replied that there were "security considerations involved" (11:644). Shortly after this, Nagell terminated his meetings with Martin. Posner mentions none of this.

Nor does Posner inform his readers that both Garrison and his chief investigator, Bill Wood, himself an ex-CIA officer, became convinced that Martin was a CIA infiltrator (11:642-643). Said Garrison, ". . . people that we sensed did have possibilities of being useful witnesses were increasingly turned off by him [Martin]." Garrison added that those on his staff who had experience in the intelligence community made Martin as CIA "right away" (11:643). Bill Wood subsequently found out that Martin had belonged to one of Guy Banister's right-wing groups in New Orleans (11:643).

At around the same time that Garrison's staffers were becoming increasingly suspicious of Martin, he left New Orleans. He did not inform anyone in Garrison's office that he was leaving, and, needless to say, he did not provide a forwarding address. Posner doesn't mention any of this either.

Posner claims that Nagell "was so unreliable that not even Garrison used him" (6:467). This is patently false. Garrison himself made it clear that the only reason he didn't call Nagell as a witness was that Nagell would not disclose which intelligence agency (or agencies) had employed him (19:212-216). Garrison feared that defense lawyers would use this to discredit Nagell as a witness. After meeting with Nagell, Garrison said,

During most of my flight home I reflected long and hard on my Central Park meeting with Richard Case Nagell. I had studied him closely for all of the three hours or so we were together, and I was satisfied that weaving a fabricated tale was not in this man's makeup. (19:216)

Posner simply ignores all of the evidence Russell provides which corroborates Nagell's story. For instance, Russell notes that in 1974 Nagell spoke of a military unit known as Field Operations Intelligence, whose existence had never before been publicly revealed. Also, Russell found a witness, a retired El Paso policeman, who confirmed that Nagell had foreknowledge of the assassination. In addition, Russell cites a 1969 military intelligence "agent report" obtained through a Freedom of Information Act request. The report states that Nagell had been employed by the CIA and that he had "conducted an inquiry into the activities of Lee Harvey Oswald" from July to September 1963, exactly as Nagell claims. Furthermore, an El Paso policeman confirmed to Russell (and has done so to other researchers as well) that Nagell clearly seemed to have foreknowledge of the assassination, i.e., that Nagell definitely seemed to know that Kennedy would soon be killed in Dallas. This is just a sampling of the corroboration Russell provides for Nagell's story. Posner says nothing about any of this evidence.

### The Murder of Officer Tippit

Posner says that eyewitnesses, ballistics, and physical evidence prove that Oswald murdered Officer J. D. Tippit a little over forty minutes after he allegedly shot President Kennedy (6:273-280). Posner ignores significant evidence of Oswald's innocence and merely repeats the WC's untenable version of the killing. The case against Oswald in Tippit's murder has been analyzed by other authors, so I will not discuss the matter at length herein. For more information on the rather tenuous nature of the evidence against Oswald in the Tippit affair, I would invite the reader to compare Posner's claims with the analyses of Marrs, Lane, Summers, and Hurt (5:350-353; 4:190-208; 14:84-97; 71:139-169). However, I would like to examine some of the evidence that Posner either ignores or scarcely mentions:

\* The witness with the best view of the shooting, Domingo Benavides, at first said he could not identify the killer, and, incredibly, Benavides was not taken to a police lineup. Weeks later, Benavides's brother was shot-in mistake for him, according to Benavides and his father-in-law. When Benavides testified before the Warren Commission, he would only say that a picture of Oswald "bore a resemblance" to Tippit's killer, and he seemed to identify a dark jacket as the one the assailant had worn, whereas the Commission claimed the

killer wore a light gray jacket. Only years later did Benavides make a positive identification of Oswald as the gunman. Today, Benavides is hesitant to talk about the case, in part because he believes federal agents are monitoring his phone conversations.

- \* Two witnesses to the Tippit slaying described the killer in terms that did not resemble Oswald at all.

- \* Two other witnesses said Oswald entered the Texas Theater just a few minutes after 1:00 P.M., and that he remained in the theater until he was arrested there about an hour later. But Tippit was killed at no later than 1:12, and probably between 1:06 and 1:10.

- \* Officer J. M. Poe marked two of the empty shells found at the crime scene with his initials, a standard chain-of-evidence procedure, but the shells produced by the FBI and the Dallas police as evidence of Oswald's guilt do not have Poe's markings on them. Officer Poe initially said he was certain he had marked the shells. Later, testifying before the WC, Poe did not sound quite as certain, though even then he said he believed he had marked the shells.

- \* Posner assumes that Tippit approached his assailant from behind, meaning that the killer was walking *east* on Tenth Street. However, the available evidence strongly indicates the killer was walking *west*. This is a crucial point because if the killer was in fact walking west, or toward Tippit, then it could not have been Oswald (unless someone drove Oswald to the scene and then, for some inexplicable reason, Oswald started walking back toward the direction of his rooming house). Henry Hurt explains,

One of the most glaring discrepancies of all is seen in the accounts of the direction in which Tippit's killer was walking just before Tippit stopped. William Scoggins, a cab driver who was an eyewitness, testified that the gunman was walking west toward Tippit's car prior to the shooting. Another witness [Jim Burt] reported similarly. Reports from the Dallas police as well as the first reports of the Secret Service reflect the same impression. Despite the preponderance of evidence that the killer and Tippit's car were moving *toward* each other, the Warren Report concluded the killer was walking in the opposite direction. The commission version held that Tippit's car overtook the pedestrian killer. (71:149-150, original emphasis)

- \* The first two reports on the Tippit slaying to go out over the radio said Tippit's killer had used an *automatic pistol*, not a revolver. The first report originated with Dallas policeman H. W. Summers, who said he had an "eyeball witness to the getaway man" and that the man was "apparently armed with a .32, dark finish, automatic pistol." The second report came from Sergeant Gerald Hill, who was one of the first officers to arrive at the crime scene. After examining a shell found nearby, Hill said the casing indicated the suspect had used an automatic pistol (17:273, citing CE 1974:78). As anyone familiar with firearms knows, it's very hard to mistake a revolver shell for an automatic shell. There is an obvious difference between the two. I quote leading criminalist and forensic expert Larry Ragle:

If they are discarded at the scene, revolver casings [shells] are readily distinguishable from casings designed for semi and full automatic pistols. The difference is in the base. Revolver rounds have a wider base, a lip, extending out beyond the diameter of the body of the shell casing. This lip keeps the rounds from sliding out the front of the cylinder when their chamber is not aligned with the barrel or frame. The lip on ammunition designed for semis and autos is the same size as the body of the casing. (78:156-157)

- \* Helen Markham, Posner's star witness against Oswald in the Tippit shooting, gave such wildly conflicting and confused testimony that one WC staffer called her an "utter screwball." Although by all accounts (including Posner's) Tippit died instantly, Mrs. Markham said she conversed with him after he was shot. She

told attorney Mark Lane that she conversed with the dead Tippit for twenty minutes. Additionally, Mrs. Markham gave conflicting descriptions of the killer.

-----A Frantic 43 Minutes-----

A telling point for Oswald's innocence is the fact that he did not have enough time to go from the TSBD to the scene of the Tippit slaying. The WC said he left the Depository at 12:33 P.M. and killed Tippit 43 minutes later, at 1:15. But even a casual review of Oswald's alleged movements shows he could not have done what the Commission said he did. Posner disagrees, saying,

Could Oswald have physically been at the Tippit scene by 1:15, the time of the shooting? A reconstruction of the time that elapsed since he left the Depository shows it is more than possible. (6:274 n)

But Posner's TSBD-to-Oak-Cliff scenario relies heavily on the WC's untenable version of Oswald's post-assassination movements. For example, Posner accepts the WC's claim that Tippit was shot at 1:15 P.M. However, the overwhelming weight of the eyewitness testimony indicates that the shooting occurred no later than 1:12. Posner departs from the Commission version by saying that Oswald left his roominghouse just before 1:00. Posner does this in order to get Oswald to the Tippit scene by 1:15. Yet, according to Oswald's landlady, he did not leave the house until 1:03 or 1:04 and then remained in the vicinity for a short while (14:92; 5:347). The plain fact of the matter is that any reconstruction which places Oswald at the Tippit scene by 1:12, much less by 1:15, is contrary to the evidence. Oswald simply could not have made it there in time to shoot Tippit (unless someone drove him there).

Helen Markham said Tippit was shot at around 1:06. When she saw the shooting, she was en route to her regular 1:15 bus. Other witnesses agreed that the shooting occurred just a few minutes after 1:00. T. F. Bowley, who radioed the police dispatcher from Tippit's car, reported that his watch said 1:10 when he drove up to the crime scene. Bowley contacted the police dispatcher at 1:16 or 1:17. This was *after* Domingo Benavides waited in his truck for "a few minutes" (out of fear the killer would return), got out of his truck, attempted to help Tippit, climbed into the squad car, and then fumbled with the radio as he tried to figure out how it worked. It was at this point that Bowley appeared inside the car, took the radio from Benavides, and contacted the dispatcher.

In all probability, Tippit was shot between 1:06 and 1:10, no later than 1:12. But Oswald did not leave his boarding house until around 1:03 or 1:04, and his landlady reported that he lingered in the immediate vicinity of the house for a little bit. Oswald did not drive, and an inquiry of residents in the area failed to produce anyone who had seen a man running at the time in question. Even assuming a good walking speed of four miles an hour, it would have taken Oswald no less than twelve minutes to reach the Tippit crime scene. Therefore, Oswald could not have been present to shoot Tippit at 1:15, much less a few minutes earlier.

A research team from the All American Television Company did a reconstruction of Oswald's movements from the TSBD to the Tippit scene for the 1992 documentary *The JFK Conspiracy*, which was hosted by world-famous actor James Earl Jones. The team confirmed that Oswald could not have arrived to the scene of the crime even by 1:15. I quote from James Earl Jones' narration:

At 12:33 the Warren Commission said Oswald left the Depository and walked seven blocks to catch a bus. . . . after traveling a couple of blocks, the bus was caught in an immense traffic jam. They said

he got off the bus. At 12:48, they said Oswald climbed into a taxi. They gave him six minutes to reach his next stop [his neighborhood in Oak Cliff]. It took us over eight [minutes], *without* traffic.

The Commission said Oswald entered his boardinghouse at one o'clock. At 1:03, his landlady said he [Oswald] left the house and went to the northbound bus stop. Yet, in order to kill Officer Tippit, he had to travel south. So, the Commission said he must have changed his mind.

The witnesses all said [almost all of them said] Tippit was killed no later than 1:10, and that was after the policeman and his killer had a conversation [according to the WC's star witness, Helen Markham]. Seven minutes [for Oswald to get from his house to the murder scene]. Oswald simply didn't have enough time.

In every case, the Commission failed the time test, and we had no congested traffic to deal with. (original emphasis)

### Jack Ruby and the Killing of Oswald

Incredibly, Posner not only denies that Jack Ruby had Mafia ties, but he repeats the long-discredited claim that Ruby's shooting of Oswald was merely an act of spontaneous rage (6:350- 403). Ruby's extensive Mafia links and activities have been abundantly documented by several scholars, including G. Robert Blakey, the former chief counsel for the HSCA. Ruby placed calls to important mob connections all over the country right after Kennedy's visit to Dallas was announced, and there was a marked increase in Ruby's suspicious calls in the weeks immediately preceding the assassination. Just a coincidence? Yes, says Posner. Posner accounts for these calls by accepting Ruby's alibi that they were made to voice business complaints to the American Guild of Variety Artists (AGVA). The AGVA alibi is not credible and has been refuted by David Scheim in his book *The Mafia Killed President Kennedy* (25:289-300).

As for Ruby's killing of Oswald, Posner's principal witness that it was a spontaneous act is none other than ultra-conservative William Alexander, the very man who, as an assistant district attorney, helped to successfully prosecute Ruby for premeditated murder in the shooting! Posner admits that Ruby made a minimum of three visits to the Dallas police station after Oswald was arrested, and that on at least one of those occasions Ruby had his pistol with him. Yet, Posner does not see this as evidence of stalking, primarily because Ruby failed to shoot Oswald when he was escorted past Ruby during one of those visits.

And what about the fact that Ruby somehow showed up in the basement of the Dallas police station in the middle of the day, in broad daylight, armed with a pistol, just in time to shoot Oswald as he was about to be transferred to a waiting van? A chance encounter, says Posner, just lucky timing. Among other things, Posner ignores Billy Grammer's testimony. On November 24, 1963, Grammer, as a young lieutenant on the Dallas police force, was working in the communications room when he received a call from Ruby. Grammer said Ruby warned him that the police had to change the plans for Oswald's transfer or "we're going to kill Oswald right there in the basement" (5:417). Ruby did not identify himself by name, but Grammer recognized his voice. In an interview for the 1988 documentary *The Men Who Killed Kennedy*, Grammer said he was absolutely certain Ruby was the caller. This is just part of the evidence that Ruby was trying to avoid having to carry out his assignment to shoot Oswald. Unfortunately, he did not succeed, and shortly after calling Grammer he carried out the order to execute Oswald. Even the ultra-cautious HSCA could not ignore the compelling evidence that Ruby's killing of Oswald was *not* spontaneous.

The Select Committee also concluded that Ruby probably entered the basement of the Dallas police

department with assistance. Posner, however, brushing aside all evidence to the contrary, clings to the WC's claim that Ruby entered the basement without assistance by walking down the Main Street ramp (6:395). Posner says Ruby did this while the officer guarding the ramp, Ray Vaughn, was temporarily distracted when a car drove up the ramp from the basement. However, Vaughn insisted that neither Ruby nor anyone else went down the ramp while he was guarding it, and three policemen who had been parked in a squad car on the ramp said they did not see Ruby enter either (12:345). In addition, an off-duty police officer who was standing across the street said he was certain Ruby did not use the ramp (12:345).

## Conclusion

I could document many other errors in Posner's book. For all its sophisticated graphics and endorsements, *Case Closed* is one of the worst, most inaccurate books ever published on the assassination. Suffice it to say that the case of the murder of President John F. Kennedy is definitely *not* closed.

We need to realize that the assassination of President Kennedy was in a certain sense a change of government, from the one that "we the people" had chosen to the one that was desired by those who wanted to continue to topple Castro, a full-blown war in Vietnam, an end to detente, an end to Kennedy's monetary reforms, an end to Kennedy's war on the Mafia (which in fact came to a virtual halt after the assassination), an end to Kennedy's reforms of the military, and an end to his reforms of the CIA. We have yet to fully recover from the death of President Kennedy.

What is needed now is the appointment of a special prosecutor and/or a new Congressional inquiry into the case. Many of the witnesses are still alive, and numerous items of evidence have yet to be properly examined. There is much that we could learn from a new investigation--much that needs to be learned.

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